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**Official Report  
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Tuesday 24 July 2012

**Journal  
des débats  
(Hansard)**

Mardi 24 juillet 2012

**Standing Committee on  
the Legislative Assembly**

Standing orders review

**Comité permanent de  
l'Assemblée législative**

Examen du Règlement

Chair: Garfield Dunlop  
Clerk: Trevor Day

Président : Garfield Dunlop  
Greffier : Trevor Day

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Tuesday 24 July 2012

Mardi 24 juillet 2012

*The committee met at 0925 in room 228.*

**The Clerk of the Committee (Mr. Trevor Day):** Honourable members, it's my duty to call upon you to elect an Acting Chair. Any nominations? Mr. Bisson.

**Mr. Gilles Bisson:** Jonah Schein.

**The Clerk of the Committee (Mr. Trevor Day):** Mr. Schein, do you accept the nomination?

**Mr. Jonah Schein:** I do, thank you.

**The Clerk of the Committee (Mr. Trevor Day):** Any further nominations? Seeing no further nominations, I declare nominations closed and Mr. Schein elected Acting Chair of the committee.

*Interjections.*

**Interjection:** Say something.

**The Acting Chair (Mr. Jonah Schein):** Good morning. Welcome.

**Mr. Gilles Bisson:** Hold it, hold it, hold it: You have to say, "I really appreciate having been in this position."

**The Chair (Mr. Garfield Dunlop):** I apologize, everyone. I'm so sorry. I had no idea that it was—I thought it was at 9:30. My apologies.

## STANDING ORDERS REVIEW

MR. PAUL GRICE

MR. KEN HUGHES

**The Chair (Mr. Garfield Dunlop):** Okay, thank you very much, everyone. On the phone we have Paul Grice, the Clerk and Chief Executive—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** He will be on very shortly—the Clerk and Chief Executive of the Scottish Parliament, along with Ken Hughes, head of the committee clerks of the Scottish Parliament. I'd ask anybody who's asking any questions if they could identify who they are when they're talking to Mr. Grice and Mr. Hughes.

Good morning, sir.

**Mr. Paul Grice:** Good morning. This is Paul Grice from the Scottish Parliament.

**The Chair (Mr. Garfield Dunlop):** My name is Garfield Dunlop. I'm Chair of the Standing Committee on the Legislative Assembly of Ontario. I understand you're joined by Mr. Hughes as well.

**Mr. Paul Grice:** Yes. I have Mr. Hughes as the Assistant Clerk/Chief Executive of the Parliament. We're

pleased to talk to you and very happy to give you whatever assistance we can.

**The Chair (Mr. Garfield Dunlop):** Mr. Grice and Mr. Hughes, we're joined here this morning by members of all three political parties in the provincial Legislature. We're actually reviewing our standing orders and we're looking for input, suggestions etc. We were told that the Scottish Parliament would be a great example of some positive suggestions. I'm just wondering, would you have any kind of an opening statement that you could sort of lead into this with? Or would you like us to just start asking questions?

**0930**

**Mr. Paul Grice:** No, I'd rather, I think, answer the questions. All I would say, very briefly, is that as a relatively young Parliament, we've always tried our best to focus very much on enabling the Parliament and its members to engage successfully with the citizens of Scotland. Everything we've done, we've tried to balance the needs of the Parliament or the Legislature with a desire to engage.

That's our standpoint, but I think we'd rather seek to answer your questions as best we can.

**The Chair (Mr. Garfield Dunlop):** In that case, we will start out, Mr. Grice, with Gilles Bisson from the NDP. He has an opening comment and questions.

**Mr. Gilles Bisson:** First of all, welcome to Ontario, via satellite or land lines or whatever brought you here. I'm with the New Democratic Party, more like your Labour Party in Scotland/Britain.

I'd like to just get into the committee structure itself. I've got a couple of questions in regard to how your committee structure works, and I'm just going to do them in succession, and then you can respond.

**Mr. Paul Grice:** Yes, of course.

*Interjection.*

**Mr. Gilles Bisson:** I'm being told to stay away from the microphone here. There we go. I was trying to read my notes. I'm sorry.

I take it you have standing committees, and the first question I would want you to get into is, how do you constitute a meeting of the committee? Can the committee meet at the call of the Chair? Or does it take an order of the House in order for it to meet during the intersession?

The second thing is, to what degree do members and/or parties have an ability to be able to bring an item before committee for discussion and possible hearings?

**Mr. Paul Grice:** Okay. I'll start on that, then I'll ask—it's actually Mr. Hughes's area of expertise. Committees can be called by—it doesn't require an order of the whole House, the whole Parliament, for a committee to meet any time. It can determine its own. Within our standing orders, the only requirement is that committees cannot meet in the Scottish Parliament at the same time as we meet in plenary sessions. That's the only restriction on them. But beyond that, I'll ask Mr. Hughes just to give you a bit more detail on the committees.

**Mr. Ken Hughes:** Hello. Yes, all members can bring agenda items to a committee, but how our committees work is through holding six-monthly business planning meetings. For example, we're currently in summer recess, but at the end of this summer recess, all or most committees will meet before the next term begins again to have planning meetings where they will discuss what items they might want to bring forward as committee business for the next six months. That is the opportunity for any member of whatever party to suggest—throw into the pot—and discuss inquiries the committee may undertake. That is basically the loose structure under which we conduct and set all our business.

After that, it's up to the committee Chair to formulate agendas and to circulate that amongst members. That is, therefore, the mechanism in which the committee Chair will then call a meeting. That's how it all works, in summary.

**Mr. Gilles Bisson:** Just a follow-up question on the planning meetings—two questions: You said six planning meetings. I don't quite follow that. Six per year? Six per month? I wasn't too sure what you were getting at. Number 2, the planning committee itself: Is that the general committee or is that a subcommittee?

**Mr. Ken Hughes:** No, sorry. The committees will meet once every six months, so it's probably two a year that committees will meet to undertake planning meetings. It's basically a question of the committee coming along with—it's informal meetings. It's not part of proceedings, those planning meetings, and they can invite, for example, researchers of the Parliament to come to talk to them. Some committees even invite external experts and external guests to come in just to discuss matters, essentially, that the Scottish public would be interested in the Parliament investigating. That's how it works.

**Mr. Gilles Bisson:** Just to be clear, then: If an individual member or a group of members on a committee want to look into issue A, the planning meeting that happens twice a year, that could be raised there; there's a discussion. Then I take it it's a vote of the committee as a whole—I shouldn't say committee of the whole. It's then a vote of the committee, by majority, that decides if that matter will be taken up by the committee.

**Mr. Ken Hughes:** I cannot recall any instance of a vote having been needed, because our committees really try their best to work on a consensual basis. So 99 times out of 100, a whole committee—there's a consensual decision to adopt an agenda item.

**Mr. Gilles Bisson:** So your committees don't just deal with legislative matters coming from the House, then?

**Mr. Ken Hughes:** No. They have a dual function. They both undertake scrutiny of government policy and scrutiny into legislation. That dual function works well on the whole. The one pressure point we have always had and have never cracked is the problem of our justice committee, because there are a lot of law-and-order bills that always come through the Parliament. That justice committee spends most of its time every year undertaking legislation and gets little time to undertake inquiries of its own accord.

**Mr. Gilles Bisson:** I'm just going to defer to my Chair here for a second to understand—how long do we have in rotation? Do you want to go so many minutes and we rotate? How do you want to do it, Chair?

**The Chair (Mr. Garfield Dunlop):** Whatever the committee feels comfortable with. If you've got a series of questions, please feel free to go ahead with them. We've got right through to noon on this.

**Mr. Gilles Bisson:** Okay; all right. I'm just going to stick with committees, and after that I'll cede the floor to the other side. After that, I've got other questions on other matters.

How many standing committees do you have?

**Mr. Ken Hughes:** We have seven standing committees.

**Mr. Gilles Bisson:** And those standing committees: Are they all legislative committees or are they also oversight committees?

**Mr. Ken Hughes:** They are all dual-function oversight and legislation committees.

**Mr. Gilles Bisson:** Oh, I see. So they sort of play the dual role.

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** Do they do their own estimates per committee, or is there one committee that does estimates?

**Mr. Ken Hughes:** We have a finance committee that has overall responsibility for estimates, but each committee will do its part in the annual budget process to feed into the finance committee's considerations.

**Mr. Gilles Bisson:** Can another one of the standing committees do an estimate on a particular ministry, or does it have to be finance?

**Mr. Paul Grice:** No, an individual committee could pick that up. For example, the health committee will quite often pursue financial matters with the chief executive of the Scottish health service.

**Mr. Gilles Bisson:** Is that the estimate or is that just an auditing process?

**Mr. Paul Grice:** They could do the estimate, but if they were doing the estimate, they would expect to do it in consultation with the finance committee.

**Mr. Gilles Bisson:** Okay. So it is up to the committees, then, to decide who does what estimate, but generally, finance has the overall responsibility.

**Mr. Paul Grice:** Exactly. It performs a coordinating function, if you like.

**Mr. Gilles Bisson:** Okay. I want to go back to—you say that most of your decisions at committee are reached by consensus. Is that the same when it comes to clause-by-clause on bills?

**Mr. Paul Grice:** No.

**Mr. Gilles Bisson:** I didn't think so. Then, if I'm to understand it, the Scots are no different than the rest of the parliamentary systems of the world.

**Mr. Paul Grice:** We're certainly not claiming to be any better.

**Mr. Gilles Bisson:** Okay. So on government bills, it's the status quo. The bill goes before the committee. After your hearings, amendments are proposed, and then parties vote, according to what they believe, on clause-by-clause.

**Mr. Paul Grice:** That's exactly right. I mean, obviously—and I'm sure it's exactly the same in your Parliament—it will depend on the nature of the bill. On uncontroversial legislation, there is a great effort made to find a way on consensus. But clearly, on the matters of policy, which divide parties, you would expect to see party views expressed through committees, in much the same way, as you rightly say, you'd see in any Parliament.

**Mr. Gilles Bisson:** Okay. Then back to your two meetings per year, your planning meetings: If an item is chosen to be reviewed at a committee, how do you determine how long that item is before a committee? Is there a set time or is that something just agreed to?

**Mr. Ken Hughes:** No. That authority is usually wholly delegated to the convener of that committee, the Chair of that committee, to decide how long an item may last. For example, it might be a one-off evidence session from a minister, but then again, it could be planned over a series of weeks. I mean, again, the answer is almost, "How long is a piece of string?" It's as long as the subject needs.

**Mr. Gilles Bisson:** So the Chair, I take it, does that in consultation with other committee members, right?

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** Yes, in consultation. Just out of curiosity, what's the average amount of—you have seven standing committees. They, two thirds of their time, deal with government bills, 90% of the time deal with government bills? What's the split between that and other matters?

0940

**Mr. Ken Hughes:** It actually varies quite a bit. The top two legislation committees, I would say, are justice, as I previously mentioned, and health. We do have quite a lot of health-derived legislation. Other committees such as—we've got a rural environmental committee. That doesn't tend to see so much legislation, so, ergo, it has more time to do inquiries.

I would say—ideally, it's hard to do a 50-50 split, to tell you the truth. But I would say, on average, committees would do something like 40% legislation and it would be 60% other inquiries.

**Mr. Gilles Bisson:** And could one—let's say your health committee—do a hearing on a matter that would normally be before—let me use another one. Let's say one of your other committees that is not too busy has a justice issue, as far as policy. Can they undertake a hearing on that because the justice committee is busy?

**Mr. Ken Hughes:** Not really, no. In our standing orders, the remit of committees is not prescribed, but at the start of each session, by standing order, the Parliament must agree what the remit of that committee is. Under standing orders, the committee cannot stray from that remit, so it would be quite difficult. Yes, there are some minor overlaps, but generally it would be quite difficult for one subject committee to inquire into another subject that is the remit of another committee.

**Mr. Paul Grice:** I think an important part of our structure—it's important to understand that we also have an organization called the Parliamentary Bureau, which is made up of the business managers—I don't know if you call them chief whips—from each of the parties. One of the roles of the business bureau is to allocate legislation to committees, but it also proposes to Parliament the committee remits, which Ken talks about. I guess, if there was a dispute between committees, if the committees themselves could not resolve it, then it would be referred to the Parliamentary Bureau, which would have the power, if necessary, in the final instance, to propose an alteration to that committee's remit.

But I think here is a role that I would expect the clerks to play and I would expect, if there was any such desire, the clerks to consult. It's certainly not unheard of for conveners of two different committees to sit down informally and have a discussion along the lines you've proposed. A lot, frankly, would depend on the extent to which those two committee conveners could agree that it was sensible for perhaps one committee to take on a piece of work that might—because there are some subjects which naturally could fall into more than one category.

**Mr. Gilles Bisson:** Okay. Just a couple more questions on this. You were saying earlier that the committee meets essentially at the call of the Chair.

**Mr. Paul Grice:** Yes.

**Mr. Gilles Bisson:** And there's nothing in your standing orders that—so essentially, they do not need the permission of the House. You're saying as well—and I didn't catch it—not while the House is in session could they meet? Is that what I heard?

**Mr. Paul Grice:** That's right.

**Mr. Gilles Bisson:** Why would that be?

**Mr. Paul Grice:** That is just the way—there's been quite a lively debate on this. Indeed, it was recently considered—quite recently—by our procedures standing orders committee. It has in its origins a desire to give committees of the Parliament their place. The feeling is, if they have to compete, essentially, with the main House, then they'll be relegated, if you like, to second position.

It's always been, I think, the clear majority view within the Parliament that they should meet on separate

occasions. There is a standing order to allow them to meet simultaneously, but that is only used in exceptional circumstances.

**Mr. Gilles Bisson:** So your House meets how many days a week?

**Mr. Paul Grice:** From September—we've actually just altered it—the full House meets three days a week in the afternoons and the committees meet three days a week in the mornings.

**Mr. Gilles Bisson:** Okay. I got what you're doing. So you have quite an importance put on your committees. Your committees are actually fairly substantive as far as what they're dealing with.

**Mr. Paul Grice:** We do. In addition to the standing committees, there are another seven or eight—I think we have in total 15 or 16—

**Mr. Ken Hughes:** Fifteen.

**Mr. Paul Grice:** Fifteen committees. If you add in finance and audit and others, we have a substantial number of committees. I would agree with you, there is a feeling that committees are important—

**Mr. Gilles Bisson:** How many members are in the Scottish Parliament?

**Mr. Paul Grice:** There are 129.

**Mr. Gilles Bisson:** There are 129 and you have 16 committees?

**Mr. Paul Grice:** Yes.

**Mr. Gilles Bisson:** Wow. How many members on a committee?

**Mr. Paul Grice:** It ranges.

**Mr. Ken Hughes:** Probably about seven.

**Mr. Gilles Bisson:** So how do you—I heard seven. Are some smaller, or are some just a member per party?

**Mr. Paul Grice:** I'd say the smallest is probably six.

**Mr. Gilles Bisson:** So is the committee membership determined by ratio of the House?

**Mr. Ken Hughes:** Yes.

**Mr. Paul Grice:** Yes. And again, you mentioned the Parliamentary Bureau. They also propose to the full Parliament the membership of the individual committees.

**Mr. Gilles Bisson:** A digression here: Are members called MPs in Scotland?

**Mr. Paul Grice:** MSPs, members of the Scottish Parliament.

**Mr. Gilles Bisson:** Okay, I just wanted to make sure I had it clear. MSPs, okay.

One last question, I guess: When you have, let's say, seven or six members on a committee, is your Chair chosen from that six or seven?

**Mr. Paul Grice:** Yes. And again, the Chairs or the convenerships are also allocated on a proportional basis. So against the whole 15 or 16 committees, or however many were set up, we have a formula called D'Hondt, named after a Belgian man, I think, which allocates. Each new committee that's created, we have a formula which will decide which party gets it, so a member of that party drawn from the committee membership will be the convener, and similarly with the vice-convener.

**Mr. Gilles Bisson:** Okay, so your standing orders don't determine which party chairs what committee?

**Mr. Paul Grice:** No, that's decided under that formula. The standing orders say we must have regard to party balance, but that's—

**Mr. Gilles Bisson:** How many parties do you have in the Scottish Parliament? I know I said it was the last question but—

**Mr. Paul Grice:** We have five. We have the Scottish National Party, the largest party which forms the government; the Labour party, the second-biggest party; the Conservative Party; the Liberal Democrats and the Green Party.

**Mr. Gilles Bisson:** So you always end up in a situation where the government is—well, not necessarily. The government could be in a majority. Do some parties not end up with any committee membership as a result of that?

**Mr. Paul Grice:** Well, yes. Only the three biggest parties are on every committee; you're absolutely right. The Liberal Democrats and the Greens are not on every committee. There's some negotiation between the party business managers to agree which they should be on.

What I would say is that if one follows the strict formula of allocation, then they wouldn't end up on any committees, or very few. But to be fair, the parties apply a pragmatic adoption of the proportionality rule to ensure that the smaller parties do get on to committees.

**Mr. Gilles Bisson:** So the gist of the whole system is there's a reason that—okay, I get it. I pass on to my colleagues across the way.

**The Chair (Mr. Garfield Dunlop):** Thanks, Mr. Bisson. Mr. Balkissoon.

**Mr. Bas Balkissoon:** Mr. Grice, it's Mr. Balkissoon here from the Liberal Party. Can you just expand a little bit on your House schedule? You said that the House meets three days on afternoons and committees meet three days on mornings. How many weeks per year does the Parliament meet?

**Mr. Paul Grice:** Thirty six.

**Mr. Bas Balkissoon:** Thirty six?

**Mr. Paul Grice:** Yes.

**Mr. Bas Balkissoon:** And my next question would be: When legislation is brought to the House and it's then sent to committee, is it sent directly to the committee or is it sent through this business bureau that you mentioned?

**Mr. Paul Grice:** It goes to the bureau. We have a three-stage legislative process. Once a bill has passed the necessary requirements for introduction, which we could talk to you about if you're interested, it goes to the bureau and the bureau allocates. Nine times out of 10, possibly even more, it's very obvious which committee it should go to.

**Mr. Bas Balkissoon:** But does it pick a timetable when it goes to the committee and can legislation—the whips who are involved in this business bureau, similar to ours, do they determine when it goes to the committee?

**Mr. Paul Grice:** Yes, and they will typically agree on a timetable, usually informally, but they have the power at the bureau to set formal deadlines if it's required.

**Mr. Bas Balkissoon:** Do they also have the power to delay it or not send it forward?

**Mr. Paul Grice:** No, they're actually required—no, that's one thing they don't have the power to do.

**Mr. Bas Balkissoon:** Okay. I'll pass you on to my colleague Tracy MacCharles.

0950

**Ms. Tracy MacCharles:** Good morning, gentlemen. Thank you so much for participating. This is very helpful and insightful for all of us to compare and contrast our own procedures and standing orders.

I have kind of a logistics question when it comes to committees. I know you don't have the exact same numbers or types, necessarily, but how do you manage—two things: One question is about attendance; the other is about staying on the topic of a committee.

Do you have standing orders about everything from substituting members to the number of people required to have a quorum, those kinds of things? Then my second question is more about when a committee is in progress and conducting its business. How tightly is that agenda managed? If a committee is convened to focus on a particular topic or a certain line of questioning, for example, do you set timelines on that? Do you allow topics to wander? I'm just wondering if you could give us a general summary of how those logistic things work in your world. Thank you.

**Mr. Ken Hughes:** We have rules on substitutes that were taken up on a few occasions, so that worked quite well. We have a quorum of three. We need to have three.

Having said that, I want to say that unless we have dreadful weather, which we do have from time to time, we never have a problem of achieving a quorum or anything approaching it. We normally have, actually, full attendance of all members at all committee meetings. Again, as Paul said, the Parliament, since the start, has tried to place a significant degree of importance on committee work, and that is respected by all members.

In terms of controlling agenda, that I suppose, in part, is up to the convener and how he or she feels they want to chair the meeting. Committee meetings don't have timed agenda items, but it is tacitly acknowledged that every agenda item for that committee meeting will be taken. Committee meetings generally last between two to three hours, with an average of, say, four to five agenda items. They're always taken. There is no facility for a member to introduce an item that is not agreed to beyond that agenda.

**Ms. Tracy MacCharles:** Thank you. So in the case where you might have a fairly open agenda to review either a proposal or a financial statement by one of your departments, for example, and the bulk of the time is made up of, say, questioning by various parties, how much rigour do you inject or not to ensure that a range of topics is discussed? For example, can one party ask questions just on one topic for a good portion of the day or

time? Do you have scenarios like that that occur in your government?

**Mr. Ken Hughes:** Yes. Before each meeting, the clerk will have a briefing meeting with the convener before the meeting starts to discuss how the convener would want to chair that meeting. So, as I would say, at the very least, there is an understanding on the convener's part about how long he or she will allow that agenda item to go on for and how many questions they may allow to be asked. Conveners will generally allow a member at the table two or three questions per topic and go around the table to ensure each member has a fair go at questioning each witness in front of them. But again, how long that agenda item goes on for will be generally agreed to amongst all committee members before they sit down and start that item.

**Ms. Tracy MacCharles:** Thank you. In terms of hours of operation of committees, can you tell me a bit about that?

My next set of questions is relating to accommodating persons with disabilities or special needs, things like that. How does that work in the context of either your Legislature and/or the committees themselves? First, just general hours of operation for the committee, and then I want to talk a bit about what we call accessibility.

**Mr. Paul Grice:** Okay. I'm happy to pick that up and then Ken can come in. The committee generally starts about 9:30 in the morning and will run through, as Ken said, until 12 or 12:30. It's really for the committee to determine its own start and finish times, subject to the point I made about not overlapping with a meeting of the full Parliament. But they have discretion indeed, and they can and have met on occasion on, say, a Monday afternoon, and of course, they meet outside the Parliament on occasion as well. That gives you a broad idea: Roughly 9:30 to around about 12 or 12:30, I think, would be typical.

A great emphasis is placed on access and accessibility. For example, any witness that has been called will be written to in advance by the clerk to ask about any special needs, and every effort would be made to accommodate that, whatever that was, whether it was physical access or whether it was help, interpretation. We obviously have full induction loop systems etc. for people who are hard-of-hearing. The equality of opportunity, particularly for people wanting to participate in proceedings, is given a very high priority in the Parliament.

**Ms. Tracy MacCharles:** Great. Thank you. What's the average age, approximately, of members in your Legislature? Do you have a high-level sense of the demographic breakdown in terms of gender or other groups represented from the communities they're elected from?

**Mr. Paul Grice:** Yes. Just over 50 years old, I think, is average. What was quite interesting, we had an election just over a year ago, and although the average remained the same—somewhere in the low 50s—we got more older and more younger members. Our youngest member is probably in their mid-20s, and we certainly

have one or two members at or around 70 years old, so we have a good age range, I would say.

In terms of gender balance, I think we're just not quite 60%-40% male-female, maybe slightly 65%-35%, so not ideally balanced, but reasonably good.

In terms of reflecting some of the ethnic makeup, not too far off. Scotland, I think actually in contrast with, say, England, has an ethnic minority population of around, I think, 3% to 4%. To be proportionate, we would expect to have three or four members; I think we have two members from the ethnic minorities. We're not quite representative, but broadly so.

We have a member who is blind and two or three members who have difficulty in hearing. There are certainly a couple of members who have significant physical access issues.

I would say, broadly speaking, the Parliament reflects the makeup of Scottish society.

**Ms. Tracy MacCharles:** Thank you. My final question is fairly broad, and I think it's something that we struggle with a bit in Ontario. Is there an open mechanism or any kind of communication that reaches out to people in your populations who want to become members of Parliament? Do you have a single place people can go to get information, or do people kind of figure this out through party lines and other informal channels? What I'm getting at, really, is the access to participate in the democratic process as a member. Of course, there are other access issues, as you touched on, at committees and other ways for people to participate in government beyond being an elected member. How easy or difficult is it for people who want to put their hand up who haven't, for example, been part of a party for a long time or things like that? Do you have any information sources or websites that direct people who want to represent their communities?

**Mr. Paul Grice:** It's a rather good question. I think the short answer is that the easiest and most common route, by far, is still up through the established political parties. I think that's the first point I would make.

**1000**

However, sitting as a Parliament, we've put a huge effort into a very significant school program which is both outreach and here in the Parliament. There is a Scottish Youth Parliament, which is elected throughout Scotland. It meets sometimes here in the Parliament and outside, and half of that, of course, is to not just encourage but to give young people an opportunity to see what it feels like to be a legislator.

But I still think for us, the main route in—we have, for example, only one member who is what you'd call a true independent. She sits outside the party structure. We do have some independent members, but the vast majority still come through the parties.

**Mr. Ken Hughes:** In the second session of our Parliament we had more independents, and that's because we have a PR voting system. The voting system in itself does allow some access, rather than a first-past-the-post, because there's not an inevitability about voting results, so

there's a slight encouragement there. But there's certainly not a central facility as you describe.

**Ms. Tracy MacCharles:** Nor is there one here, just to be clear.

Thank you very much for answering my questions this morning.

**The Chair (Mr. Garfield Dunlop):** Mr. Balkissoon, before we go to Mr. Chudleigh.

**Mr. Bas Balkissoon:** Thank you again, Mr. Grice. I want to go back to the planning meetings held by the committee chair and the members of the committee. Basically, you said that there was a 60-40 split in the committee, dealing with legislation and then 40% in the other business. How does that other business find itself on the discussion table?

**Mr. Ken Hughes:** The split is the other way. It's probably more 40% legislation and 60% inquiry. The planning days will always only take account of the inquiry work because that is the work that is at the committee's own volition. Once a piece of legislation is introduced to the Parliament, it's all described. It will go to the bureau and the bureau will refer it to that committee. Their expectation is that that committee will start scrutiny of that legislation straight away, so they've not really got much choice about how and when they time legislation. Once it comes into the Parliament, the committee knuckles down and starts scrutinizing. Basically, the time available at the committee's volition is when they undertake inquiries of their own choosing.

**Mr. Paul Grice:** I think in terms of what inquiries are pursued, I would say on some of those planning days there's really quite a vigorous debate. But by and large, the controversy is not over what issues to pursue. Where it gets more politically contentious is how they're done.

Our experience is—and Ken's right: I don't think I've ever actually heard of a committee, after a planning day, failing to agree on which topics to pursue. What you would expect, in the middle of a topic, is some heated discussion, depending on the controversy, and of course, when it comes to writing the committee's report is where you'd expect it.

Our experience over the past decade or more is that there is genuinely a consensus over which issues to pursue. Where it becomes more politically controversial, of course, is when the committee is trying to come to some conclusions and recommendations. That's when, as you might expect, factors including party political positions come into play.

**Mr. Bas Balkissoon:** Okay. But other business at the committee, where members raise issues: Can it be discussed at the committee or does it have to go through the business bureau?

**Mr. Paul Grice:** It's all through the committee. The only things which the bureau itself sets are actually the reference of bills on the original agreement. It has been accepted—and committees guard this with great jealousy—that they determine their own business.

I think there is a culture that actually, within a committee, they will attempt, always, to accommodate all the



members of that committee in terms of issues they want to debate. They may not get as much time as they would like, but I think the culture very much is to respect the wishes of individual members. If they have a particular matter they wish to pursue, it would be normal practice for the rest of the committee to try to accommodate that.

**Mr. Bas Balkissoon:** Should that debate take place, what can be the end result? Does it end up in legislation? Does it end up being referred somewhere else? Can you just give me a little bit of an idea?

**Mr. Paul Grice:** I guess the most common outcome would be a report from the committee making recommendations to government. In the Scottish Parliament, the committees actually have power to initiate legislation themselves, so it could end up as a committee bill. They would be the two main courses: either a recommendation which almost certainly would include recommendations to government or observations for government to consider, or they have the power, if they so desire, to initiate a bill of their own accord.

**Mr. Bas Balkissoon:** Okay. I want to move to another topic. You did mention the committee Chairs, that you had something called a “*Hunt*” formula and it determines which party gets the Chair. The actual person being selected as Chair—is it the committee that makes the decision of which member of the committee becomes the Chair from that particular party?

**Mr. Paul Grice:** Technically, yes. But I’ll be honest with you, I think it’s widely known in advance.

If I could spell it, it’s a rather odd spelling. It’s D’Hondt, so it’s D’-H-O-N-D-T, I think named after a Belgian man. That would say—and it’s a kind of rolling thing, so that can accommodate up to 40, 50, 60 committees. It just keeps rolling forward. For the first committee it would say that, for the sake of argument, the first committee pick will be an SNP, so out of the SNP members of that committee, one will be chosen as convener. But in reality, the parties agree themselves which of their number is going to get it, and that is respected by the rest of the committee. So yes, formally the committees elect that member, but in reality that has been agreed in advance.

**Mr. Bas Balkissoon:** Thank you very much for being with us. Thanks very much for answering my questions.

**The Chair (Mr. Garfield Dunlop):** Thank you, Mr. Balkissoon. I’ll now turn it over to Mr. Chudleigh.

**Mr. Ted Chudleigh:** My name is Ted Chudleigh. I’m a member of the Progressive Conservative Party. Mr. Grice, Mr. Hughes, thank you very much for taking the time today.

I was interested to hear that you only have three or four members in the Scottish Parliament with hearing problems. It has been my experience in our Parliament that almost 100% of our members have hearing problems.

I understand the Parliament sits for 36 weeks. Is it possible for the government to recall Parliament beyond the 36th week?

**Mr. Paul Grice:** There are two ways in which the sitting patterns are set. The bureau makes the recommendation to the whole Parliament on the annual sitting pattern, and that really can be—there are no limits in the standing orders; it could sit for 52 weeks of the year, but we try to establish that a year or more in advance. Ken will keep me right on it: The only person who actually can recall Parliament is the presiding officer of the Parliament, our Speaker. The government has no power to recall Parliament. It’s entirely a matter for the presiding officer. It’s her judgment.

**Mr. Ted Chudleigh:** Interesting. I understand the Scottish Parliament is about 10 or 15 years old. Were you there at the inception of the Parliament?

**Mr. Paul Grice:** Both Ken Hughes and I were here. We’re exactly 13 years old as a Parliament and we were both here, and I was in my current position then, yes.

**Mr. Ted Chudleigh:** And when the rules were drawn up and the committees were drawn up in the procedures, were they roughly based on Westminster or did the Parliament go beyond that in looking for a formula that would work in Scotland?

**Mr. Paul Grice:** Very much the latter. I hope we were mature enough to learn what we could from Westminster, but we certainly did not—our standing orders look very different to Westminster. We have essentially a legislative process which would not be unfamiliar to you in Ontario, I don’t think, or indeed to our colleagues down at Westminster, but we started, really, with a clean piece of paper, and we took as much inspiration from Scandinavian countries—and indeed, of course, we did look at Canada and Australia, other major Commonwealth countries. We started with a clean slate.

Naturally, there are only so many ways to scrutinize legislation, so there is a degree of overlap. But I think we attempted to produce something which was distinct and suitable for Scotland. I suppose underlying it was a very strong desire to try to make the process as open and accessible as we could.

**Mr. Ted Chudleigh:** In the past 13 years, I’m sure there have been some subtle changes. Have there been any major changes to the way the Parliament works or the committee system works?

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**Mr. Ken Hughes:** To tell the truth, no. I probably would have expected more, but I think it’s been a great testament to the original draft that there has never been a desire to sit down and certainly rewrite any large part of our standing orders. Yes, they’ve been tweaked along the way, and we’ve had to add a few other additional procedures in, but we have not rewritten anything major at all.

**Mr. Ted Chudleigh:** At a point in time around here, the members used to get a stipend for showing up for committee duty. Is that process in place in Scotland?

**Mr. Paul Grice:** No. Members get a basic salary and that’s it.

**Mr. Ted Chudleigh:** Good. And that basic salary is in what range?

**Mr. Paul Grice:** It's around about £55,000 a year. I can't do the conversion, I'm afraid. I'm not aware of the current exchange rate.

**Mr. Ted Chudleigh:** Okay. Good. In the afternoons, you have routine proceedings and orders of the day, I assume. Approximately how does that break down? How long would routine proceedings take?

**Mr. Paul Grice:** You speak to us at an interesting time because we have just adjusted the parliamentary week. Beginning in September, when we come back, the aim is to begin on a Tuesday afternoon with urgent, topical questions, and they are questions which will be selected the day before by the presiding officer as being of sufficient urgency to merit an answer.

You would then expect to move—I mean, we may have procedural motions before that, but putting those aside, we would then move, probably, to some government business, a debate, and finish the day off with what we call a members' debate. That would be on a less controversial issue that might affect a member's constituency, for example.

On a Wednesday, again we would begin with questions, but this time it's a rolling system of questions that scrutinizes each government department in turn. Each week, you'll have one or two departments up for questioning. Again, you'd have government business or possibly legislative process in the afternoon, depending on what bills are before Parliament.

Then on Thursday, we begin again with general questions—a brief general question time—followed by First Minister's questions, which is a bit like Prime Minister's questions down at Westminster. It tends to be a fairly lively, if not rowdy, affair. Then we would break for a brief lunch and come back again at about 2 o'clock and have a full afternoon's business.

Now, in amongst that there will be—opposition parties have a right to so many slots of business per year, so that would have to be accommodated. The business bureau will meet ahead of our first week back and will propose a schedule, usually a rolling fortnight ahead of business so members know what lies ahead of them.

**Mr. Ted Chudleigh:** In the 13 years, I think you've had a lot of minority governments. You have had majority governments, though?

**Mr. Paul Grice:** They've all been minority governments until the last election. We have our first majority government—sorry, I correct myself. We had a coalition government the first few Parliaments between the Labour Party and the Liberal Democrats. In our third session, which was 2007 to 2011, we had a minority SNP government. Now we have our first single-party majority government which, again, is the SNP.

**Mr. Ted Chudleigh:** Has there been any attempt by the majority government to alter or change the rules, even slightly?

**Mr. Paul Grice:** No.

**Mr. Ted Chudleigh:** It'll come, believe me.

**Mr. Paul Grice:** As you might imagine, I couldn't comment on that.

**Mr. Ted Chudleigh:** Thank you very much.

**The Chair (Mr. Garfield Dunlop):** Thank you, Mr. Chudleigh.

Can I ask a quick question, Mr. Grice? What is the population of Scotland?

**Mr. Paul Grice:** It's 5.2 million.

**The Chair (Mr. Garfield Dunlop):** It's 5.2 million. I just want to make sure I got this correctly: You said 36 weeks a year, three days a week?

**Mr. Paul Grice:** Yes.

**The Chair (Mr. Garfield Dunlop):** Do you have what we would call our winter—our January, February, March—do you have a break in there?

**Mr. Paul Grice:** No, we don't. We do have a break, but really just to cover Christmas and New Year. We will typically—I can tell you, I think recess this year will begin on about the 20th of December and we would likely start again around about the 8th of January, so a relatively short break.

**The Chair (Mr. Garfield Dunlop):** Okay. Anybody else, any other questions? Mr. Bisson.

**Mr. Gilles Bisson:** Mr. Schein and myself—

**The Chair (Mr. Garfield Dunlop):** Mr. Schein?

**Mr. Jonah Schein:** Hi there, gentlemen. Thank you for joining us here. My name is Jonah Schein. I'm a relatively new member of the Parliament here, nine months elected.

I came into this job with a concern about the lack of belief that people have in our democratic system. In fact, a lot of people have given up hope in this system. I'm interested to hear that you're using a system of proportional representation. Is that right? You're using the PR voting system?

**Mr. Paul Grice:** We are, yes.

**Mr. Jonah Schein:** And what's the voter turnout over there in Scotland?

**Mr. Paul Grice:** It's varied. I'd say about 60%.

**Mr. Jonah Schein:** Sixty percent?

**Mr. Paul Grice:** Yes, 60%, so, not brilliant; not awful, but it's obviously something that is of concern, I would say.

**Mr. Jonah Schein:** That's slightly better than what we have. We're at about 50%, I think, here in Ontario. How do you compare to the UK?

**Mr. Paul Grice:** Slightly below. I think the last UK election was, if not 70%, probably somewhere in the high 60s.

**Mr. Jonah Schein:** Are there any kinds of initiatives to try to increase voter participation?

**Mr. Paul Grice:** Yes. In terms of the way the Parliament is structured and in terms of the way we deploy our resources—clearly we're a Legislature, and it would be the same for you as members of Parliament. You expect to have a lot of support: clerks, researchers, reporters etc. But we put a very significant effort into the other bits of the organization, which is to try to engage with people. We have a big outreach program, principally working with schools but with other groups. We have a lot of people come into the Parliament; maybe about 350,000

people a year visit. They're obviously not all citizens of Scotland, but we do get a lot of people.

We spend quite a lot of effort trying to understand what issues concern people. We have an e-petition system, which I think has been quite successful. I've talked about the Scottish Youth Parliament. We have a new innovation starting this year called Parliament Days. The committees have always met outside the Parliament, and that's usually very successful. They'll meet in communities around Scotland. We're trying to make those have greater impact, so not just have a committee meeting, but we will try to have a day of events around that. The members of Parliament will go out, whether it's local businesses, communities or schools, and work with the local authority in that area. We are constantly striving to try to make the Parliament successful and relevant.

It's a tall order, is the honest answer, but that's one of our ambitions. I don't know if Ken wants to add to that.

**Mr. Ken Hughes:** Yes. When the Parliament sits, as Paul explained, we do a lot to try and raise awareness and to encourage people to engage with the Parliament. In terms of voter turnout at general elections, we will invariably do work with the electoral commission, which governs the rules of our elections, and we will put out information about why people should vote, basically explaining what the Parliament does for the people.

**Mr. Jonah Schein:** You said that you use e-petitions. Are electronic petitionsmissible within your Parliament?

**Mr. Ken Hughes:** Yes.

**Mr. Paul Grice:** Yes.

**Mr. Jonah Schein:** And are there other forms of social media being used for outreach and engagement?

**Mr. Paul Grice:** They are. Ken's the expert on that, so I'll let him brief you.

**Mr. Ken Hughes:** Yes. We just launched a new e-petition system, so as well as being able to lodge electronic petitions, it's a facility for anybody to visit that site and post comments on that petition that will basically be used as further evidence for the committee to consider.

I'm sorry, what was the other question?

**Mr. Paul Grice:** How the social media—

**Mr. Ken Hughes:** Yes. Two or three committees have recently started using Twitter, not to engage in discussion about committee business, but it's more pushing information out. There will be tweets saying, "Next week the committee is taking evidence on X, Y, Z," or, "The committee is just about to publish a report on health." We use that to push information out.

**Mr. Paul Grice:** We're actually looking as well—one of the things we were examining just before the summer recess that we'll pick up again is even the way committee reports are structured. I would expect that in the next couple of years we will start to construct committee reports specifically to go out on social media and, for example, to allow the embedding within them of electronic media. We've had some very encouraging discussions with our committee Chairs, our committee conveners, who have asked us to do some work.

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I think there has been quite an embracing of social media, provided we can establish that, actually, it will have some benefit. But I think we realize that actually, the core output from Parliament, if you like, which is often the reports of committees—what we've done is we've classically used written reports, written in the old style, and put them out through electronic media. But I would expect in the next year or two, we will start to produce reports specifically designed to go out on social media.

**Mr. Jonah Schein:** Have you had any problems with social media or with the electronic petitions? Has there been any fraudulent use of electronic petitions?

**Mr. Ken Hughes:** No. What we do is we have a process whereby a petitioner will submit an electronic petition, but that first goes to the clerks of the committee. It then engages the clerks to start speaking with that petitioner—because quite a lot of the times, the petition needs shape—and basically informing the petitioner themselves of what they're trying to achieve, and that area needs a bit of discussion.

In the first engagement, working with that electronic petition will, in fact, be our person engaging with that petitioner. Only at the stage where that petition is a functioning, admissible petition will it then be posted on the website, because then it's competent.

**Mr. Jonah Schein:** Thank you.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson.

**Mr. Gilles Bisson:** It's me again. How are you doing?

Where to start? I've got so much to ask. Let's go back to how you come around to selecting your committee Chairs. I take it the intent of the formula that you've established is to essentially make sure that committee chairmanship is not, how would I say it, completely controlled by the government. I take it that's the intent?

**Mr. Paul Grice:** It's intended to produce something which reflects the makeup of Parliament, so again, it means the majority cannot use it to grab every one. Within that—as I think is quite normal in Parliament—the audit committee is traditionally chaired by a non-government member of Parliament. Beyond that, the formula just runs through. But that's exactly right. We have 15 committees. I think currently about nine of them have SNP conveners, and then you'd have five Labour conveners and one Conservative convener, and that obviously varies, depending on the election results.

**Mr. Gilles Bisson:** So your formula, I take it—the way it works is it's apportionment by reflection of the House?

**Mr. Paul Grice:** That's right.

**Mr. Gilles Bisson:** So essentially, that's what that does. Okay.

You talked about the Scandinavian—you reached out to the Scandinavian Parliaments in order to look at drafting your standing orders. Which ones in particular did you find were of interest? I'm just curious. It's something we've not done.

**Mr. Paul Grice:** Yes, I think Sweden is of interest. I think the biggest thing we got from Sweden was a big focus on something we call pre-legislative scrutiny. Those of us who have some experience down at Westminster felt that bills were, in particular, often introduced not really fully formed, and they were fixed as they went through Parliament by government. In particular, they were fixed in the Upper Chamber, and we're a unicameral Parliament.

What we saw in Sweden was quite interesting. There is a process there by which legislation is not introduced until it's been through quite a wide process of consultation—

**Mr. Gilles Bisson:** Before it's introduced? Let me interrupt you. So before the bill is actually introduced, it goes through a committee process, or it goes through what kind of process to determine what's going to be in the bill?

**Mr. Paul Grice:** Yes. That's what we saw in Sweden. We're not quite like Sweden, but typically in Sweden, a bill might even be two years before it's even introduced into Parliament while government consults on it.

Now, we're not quite in that position, but there's an absolute expectation in the Scottish Parliament—unless it's emergency legislation, obviously, when special procedures apply—that when a minister introduces a bill, half of that accompanying documentation explains what consultation has taken place. When the bill is then referred to a committee at our stage 1, the first thing the committee will do is no doubt invite the minister in to present the bill, but the first thing the committee would want to know, regardless of party, is who was consulted, what was the output of that consultation.

The whole point, I think, is to try to encourage government—because at the end of the day, government really is the body that holds the power—to engage with people and bring that into the Parliament. If a committee is not satisfied that sufficient consultation has been done—and this is precedent—a committee will eventually hold its own consultation on the bill as part of that process.

**Mr. Gilles Bisson:** So let's say I'm the minister of the crown at cabinet and we decide to do a bill on X.

**Mr. Paul Grice:** Yes.

**Mr. Gilles Bisson:** Do we first charge a committee to look at the matter? Or do we just go out as a cabinet ourselves and do it? How do you initiate?

**Mr. Paul Grice:** Much more like the latter. The government has the power to initiate legislation and I would say, more often than not, they would go out. It's not unprecedented for the government, for example, to promote a debate in Parliament. We've had a couple of cases quite recently where the government has scheduled a debate just on a broad topic, just to see what the mood of the Parliament is.

The more normal route is the government will announce that it's going to legislate on housing, for example, but then you would expect it to undertake a period of consultation, and only after that has concluded, bring forward to Parliament a bill. The strong focus of

the committee initially would be on, "What did the consultees say about this when you asked their opinions?"

**Mr. Gilles Bisson:** So in this particular process, what you end up with is that when the bill is drafted for first reading and introduced in the House, the public and legislators have had a chance to have some input on what that bill would look like; correct?

**Mr. Paul Grice:** Yes, that's exactly the aim. If I'm being honest, you'd imagine over 13 years I'd say sometimes that has been very successful and other times the accusation is that it has been a rather perfunctory consultation, but that's certainly the ambition. I would say it's been, broadly speaking, a success, and certainly, compared to my experience at Westminster, it has been successful and it certainly caused there to be a lot more consultation.

You will know yourselves, as parliamentarians, most of the key decisions are made early on in the process. By the time a bill is well through its parliamentary journey, most of the key decisions are made. It's observing that, and that's something that we very much picked up from Sweden.

**Mr. Gilles Bisson:** Just by way of information back to you, in this place—I've been here since 1990—originally, a bill would be introduced in the spring, it would go to committee during the summer for hearings, then it would come back in the fall, maybe late winter, for passage at third reading. We're now in a situation where bills are introduced in the spring and they're done by the end of the spring, normally done within about a two- to three-month period, all in.

**Mr. Paul Grice:** That's quick. Again, it depends on the size of the bill, but I would say, on average, around about a year.

**Mr. Ken Hughes:** Nine months.

**Mr. Paul Grice:** Nine months; about nine months would be average for a bill. But that's nine months, assuming there's been a reasonable consultation before that, so that nine months does not include the government's consultation.

**Mr. Gilles Bisson:** So there's the consultation prior to introduction of the bill, and then the legislative process is roughly about a year.

**Mr. Paul Grice:** Yes, I think that's a good rule of thumb.

**Mr. Gilles Bisson:** So that then means to say your process by which a committee is allowed to look into a policy matter may in itself result in a bill being brought forward by the government at one point.

**Mr. Paul Grice:** It might do. It has happened. We've had a few cases where the committee itself has gone on.

Ken just said to me possibly the most well-known one was the ban on smoking in public places. We were not the first in the world but in the vanguard of that. That emerged through that process and then the government adopted it.

It's more common, I think, for committees to shape what the government is wanting to do as opposed to

cause the government to initiate something new. But yes, there have been a few examples where—

**Mr. Gilles Bisson:** Repeat the last part, just to make sure I got that right. It's more likely—

**Mr. Paul Grice:** It's more common, I'd say, for a committee inquiry to shape government policy, to shape an existing idea, as opposed to cause the government to bring forward something completely new. The smoking policy certainly emerged out of work in committees by individual members.

The other one that comes to mind was the creation of the children and young persons commissioner. That was very much driven by the committee. In fact, that was our most significant committee bill. Because the government did not want to legislate, the committee used its powers under standing orders to actually initiate its own legislation. So we drafted the entire thing ourselves.

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**Mr. Gilles Bisson:** All right. That's pretty clear. Let me see, I've got a bunch of questions. I'm just trying to keep them by area. Just give me one second.

**The Chair (Mr. Garfield Dunlop):** Gilles, we only have so much time left. We have them for about an hour.

**Mr. Gilles Bisson:** I thought we had them till 12.

**The Chair (Mr. Garfield Dunlop):** I did too, at first.

**Mr. Gilles Bisson:** All right. Could you send me your phone number and I'll call you back?

**The Chair (Mr. Garfield Dunlop):** We do have one quick question from Mrs. Mangat.

**Interjection:** Yes, of course.

**Mrs. Amrit Mangat:** Paul and Ken, thank you for your presentation. My question is very much along my colleague's line. I'm Amrit Mangat. I'm from the Liberal Party. Gilles Bisson spoke about committees. As we know, the UK House of Commons has general committees and select committees.

**Mr. Paul Grice:** Yes.

**Mrs. Amrit Mangat:** Do you have in the Scottish Parliament the same kind of committees?

**Mr. Paul Grice:** No. We just have one type of committee which covers both of those.

**Mrs. Amrit Mangat:** Okay. Can you shine some light on what kind of committees you have?

**Mr. Paul Grice:** Yes. It's like a unitary committee. So if I could take, for example, the Health and Sport Committee here in the Parliament, its duties will range from considering, of course, and disposing of any legislation falling within its remit on the structure of the health service, or whatever that would happen to be. It would have the job each year of supporting the Finance Committee in scrutinizing what you would call the health estimates, expending on health. It would have responsibility for initiating its own inquiries into health and it would also have the duty of bringing the ministers in. Being the health committee—and I'm sure it's the same in Ontario—possibly being the most controversial area of policy, it would frequently be having ministers in for detailed questioning on policies.

I suppose, finally, it would also—back to Ken's point about petitions. If the petitions committee received a petition relating to health, decided it was admissible and decided it merited action, probably the most likely action would be to forward it on to the health committee for their consideration.

They would be the sort of tasks that the health committee would have to consider.

**Mrs. Amrit Mangat:** How do you select membership on those committees?

**Mr. Paul Grice:** That task really falls to the Parliamentary Bureau. They would recommend to Parliament the size of the committee, the remit of the committee and the membership of the committee, and then that would be agreed to by the whole Parliament.

**Mrs. Amrit Mangat:** Do you have a one-hour question period every day in the Parliament?

**Mr. Paul Grice:** I'll let Ken give you the—one-hour question period every day? Do you want to just go through the questioning, the questions involved?

**Mr. Ken Hughes:** Yes, surely. We have just, as Paul explained earlier, changed our procedures here. We have questions both at committee—but again, it's up to the committee. Maybe once or twice a year the committee will have the minister in and will spend an hour questioning them. They'll all be quite detailed, specific questions, and quite sustained, obviously, over an hour period.

During the parliamentary week there are occasions when there will be topical questions that will involve non-specific questions, but they will be basically topical to the issues of the day, and that may be the first 15 minutes of a parliamentary sitting on a Tuesday. On a Wednesday, we will have a themed question time, which will normally involve two ministers with two different portfolios, and they will each take a 20-minute turn to answer questions on their specific topic. On Thursday, there will be a general question time which will pick up any theme whatsoever and, again, members have 20 minutes to ask ministers questions on that; and then we'll have 30 minutes of questions to the First Minister. So that's oral questioning during the week.

**Mrs. Amrit Mangat:** Do your committees travel, and do you meet in closed-door meetings too?

**Mr. Ken Hughes:** We travel probably less than we would like, sometimes because of budgetary considerations, but others just because it's difficult sometimes to do some parts of business away from our Holyrood base in Edinburgh. But committees do travel. Maybe six or seven times a year a committee will travel out to other parts of Scotland.

**Mrs. Amrit Mangat:** Thank you.

**The Chair (Mr. Garfield Dunlop):** Could I ask you to stay on for a couple more minutes, Mr. Grice? Mr. Bisson has a couple more questions.

**Mr. Paul Grice:** Yes, we're at your disposal.

**The Chair (Mr. Garfield Dunlop):** Thank you. Mr. Bisson?

**Mr. Gilles Bisson:** I'm going to try to go quickly. On your rule changes, if, let's say a future Parliament wanted to change the rules, is it a simple majority vote?

**Mr. Paul Grice:** Yes.

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** And that's done by way of a government motion, I take it.

**Mr. Ken Hughes:** No. The procedures committee that has the responsibility to put forward any recommendations to change standing orders will do a report, then, on a motion to Parliament that will seek parliamentary resolution to the changes.

**Mr. Gilles Bisson:** In other words, a government can't, on its own, introduce rule changes; they have to go through the procedural committee?

**Mr. Ken Hughes:** Yes.

**Mr. Paul Grice:** That's right. At the more general level, and I think an area that is quite distinct between ourselves and Westminster, is that there is a greater separation of Parliament and government. For example, we don't have a leader of the House. There is no notion—the feeling is that the presiding officer, ultimately, should be the unchallenged person in charge of the Parliament. While of course a government may well have a majority on the procedures committee, procedures committees, by tradition—and it's no different here, I think—regard themselves as guardians of the rule and I don't think would take kindly to undue government interference.

The government itself has no power interfering that way. Clearly it has influence; I wouldn't deny that. But I think there is a quite distinct procedure that tries to keep government separate from the dealings of Parliament, accepting, of course, that we live in the real world of politics. But in practice, it makes the role of the presiding officer really very important. The current presiding officer and her three predecessors—they've come from a range of parties—have always guarded that very jealously.

**Mr. Gilles Bisson:** Essentially, you don't have House leaders.

**Mr. Paul Grice:** No.

**Mr. Ken Hughes:** No.

**Mr. Gilles Bisson:** What you have are whips that determine what is going to get done when in the House, and then the Speaker is in charge of essentially the running of the House.

**Mr. Paul Grice:** I think that's well put. I think that sums it up nicely.

**Mr. Gilles Bisson:** Now, just back to the rule changes: If a government in majority or in a coalition decided it didn't like a particular rule, they would have to bring it to the procedural committee, right?

**Mr. Paul Grice:** That's right.

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** But they would control the procedural committee by way of their ratio on that committee.

**Mr. Paul Grice:** Yes, they would, and I think the defence—I agree, absolutely. There's no getting away from that reality. In practice, however, and this has been through—10 years is not long in the lifetime of a Parliament, so I'm always a bit reluctant to draw a firm rule, but my observations throughout all that time is that the members of the procedures committee do not take kindly to government, even their own party, putting pressure on them to bring forward changes. They've always, and I think it's a great credit to them, taken the view that they're there as parliamentarians. I've seen really no evidence of the government trying to change rules to their own advantage.

**Mr. Gilles Bisson:** So the long and the short of it is that party discipline is not completely adhered to in committee.

**Mr. Paul Grice:** Not on that committee. I'd have to say there are other committees: justice, health—

**Mr. Gilles Bisson:** Have either of you worked in Westminster before the Scottish Parliament was put together?

**Mr. Paul Grice:** I worked in Whitehall. I was more on that side. I did a lot of work for about seven years—

**Mr. Gilles Bisson:** The culture in Scotland, as far as your Parliament, is very different than the British Parliament, then, when it comes to party discipline?

**Mr. Paul Grice:** I wouldn't say it's very different. I think it's a little different. Though, I have to be honest with you, many of the Westminster select committees—and I believe this honestly—I think show themselves quite able to stand above party politics. I regularly—

**Mr. Gilles Bisson:** Let me rephrase my question. I understand there are always some party politics, but my point is, it seems that the culture of your Parliament is that committees play a fairly significant role in the legislative agenda of the Parliament itself and that governments or parties cannot influence the result on committees as easily as they can in my system or Westminster.

**Mr. Paul Grice:** Put it this way: I think the government has a much looser grip on the proceedings of Parliament here. It probably has about the same grip on the policies, if you like, debated in committee. Is that a helpful distinction?

**Mr. Gilles Bisson:** Yes. I understand. I get it.

Just in regard to committees: Can they sit when the House is not in session, in other words, in the summer or the winter break?

**Mr. Paul Grice:** Yes.

**Mr. Ken Hughes:** Yes, they can.

**Mr. Gilles Bisson:** And completely at the call of the Chair; it's up to the committee if they're going to meet or not?

**Mr. Paul Grice:** Yes.

1040

**Mr. Gilles Bisson:** Do you have night sittings often?

**Mr. Ken Hughes:** No.

**Mr. Paul Grice:** No, we tend to finish by 6 o'clock most evenings.

**Mr. Gilles Bisson:** The long and the short of the story is, because of your committee structure, by the time a bill gets to the House there are no big surprises.

**Mr. Paul Grice:** There shouldn't be.

**Mr. Ken Hughes:** No, that's true.

**Mr. Gilles Bisson:** So what you end up with is, you don't need as much legislative time in the House; you tend to spend more time in committee.

**Mr. Paul Grice:** I think that's a fair point, yes.

**Mr. Gilles Bisson:** That's interesting. Maybe I'd like to move to Scotland.

**Mr. Paul Grice:** You're always welcome.

**Mr. Gilles Bisson:** I've got British Commonwealth; I guess I can go. Well, you know, us French and the Scots, we did have something in common at one time.

**Mr. Paul Grice:** Absolutely. You know, you're most welcome.

**Mr. Gilles Bisson:** Just a couple of other questions—you've answered that one, answered that one, answered that one. Okay, now I've got a couple. Can you do omnibus bills in your Parliament? You're going to ask, "What the hell is that?"—right?

**Mr. Paul Grice:** Tell us a bit before I say yes or no.

**Mr. Gilles Bisson:** We have a habit in Ontario and in Canada that if a government wants to pass a number of measures, you can introduce one bill that contains essentially 50, 60, 80 other bills in it that may be unrelated.

**Mr. Paul Grice:** I think the answer is no, then.

**Mr. Gilles Bisson:** You would not do omnibus bills. That's what I figured: no omnibus bills.

Your budget process, when it comes to the government tabling its budget—I was going to ask this question, but in light of what you just told me, is the budget process somewhat in consultation with the public before the budget is actually tabled?

**Mr. Paul Grice:** I'll let Ken pick up that one.

**Mr. Ken Hughes:** No, that's slightly different. The budget process begins around September of each year and the government will publish a draft bill. It will then go to committees, and for the next three months committees will look at the spend and there'll be a remit of each component part—

**Mr. Gilles Bisson:** Excuse me, is that before the vote in the House.

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** So the government essentially drafts its framework of a budget in September, what they want to achieve, and then it's referred to committee?

**Mr. Ken Hughes:** Yes, that's correct.

**Mr. Gilles Bisson:** Carry on.

**Mr. Ken Hughes:** For the next two or three months, committees will look at their particular parts of the budget. We will call in witnesses. That's when committees make the most use of advisers. They will bring an expert adviser on to do with economics or justice or health or whatever, and they will advise the committee as they scrutinize their part of the budget. That is when they will bring in lots of witnesses as well. They'll take all of their evidence, do a report, and they will report

essentially to the Finance Committee. The Finance Committee will then do their own report informed partly by the other committees' work, but the Finance Committee during that time will have the responsibility for overall scrutiny of that budget. There will be an initial vote before Christmas on that budget—

**Mr. Gilles Bisson:** In the committee or in the House?

**Mr. Ken Hughes:** In the House, but on the basis of the Finance Committee's report. It's after Christmas, the end of January, when the government bill will then be debated and voted on.

**Mr. Gilles Bisson:** Okay. You now have the government who is in possession of the Finance Committee report and it goes away and it drafts its budget. Is it the same process as everywhere else, where you essentially read the budget into the record in the House, you have a vote on the motion and then a vote on the bill?

**Mr. Ken Hughes:** Yes, it's essentially that. Between the Finance Committee debate and the government debate, the government can go away and can consider whether it wants to amend anything. The Parliament can't, but the government can come back and make amendments if it wishes.

**Mr. Gilles Bisson:** What normally happens by the time you get to the government tabling its budget? Is it fairly acrimonious as far as how the various members and parties see the decisions by the government in the budget? Or is it a little bit more consensus?

**Mr. Ken Hughes:** Not every year, but it can be acrimonious. One year when we had the minority government, the budget was actually voted down. The bill was voted down. That's, I suppose, acrimony demonstrated.

**Mr. Gilles Bisson:** But you voted it down in December or after the government introduced the bill?

**Mr. Ken Hughes:** No, voted it down after the bill was introduced.

**Mr. Gilles Bisson:** And so that caused an election?

**Mr. Ken Hughes:** No, it didn't. What it did was the government had the facility to come back again. So they did another two weeks of negotiation and came back two weeks later with another bill which got voted through.

**Mr. Paul Grice:** I think if it hadn't succeeded the second time it probably would have precipitated an election.

**Mr. Gilles Bisson:** So the interesting part is that your Parliament is essentially trying to do the will of the people in a nice way.

**Mr. Paul Grice:** I don't want to make it overly nice—

**Mr. Gilles Bisson:** No, but my point is that it sounds to me that the design of the Parliament is more in keeping with trying to build a reflection of where the public is at. That was the basic idea behind the design; that's what I'm picking up. It may not work entirely like that practically, but it sounds like the way you set up the institution is that there needs to be a proper amount of time spent in order to develop policy and/or a budget, and before a government can bring a budget or a policy matter before legislation there needs to be some discus-

sion within the public and within legislators to be able to move something forward. Interesting.

**Mr. Ken Hughes:** Yes, and if I could just comment, as Paul says, right from the very outset, we had the luxury, if you like, of observing other Commonwealth Parliaments and European Parliaments over 100 years, before we came to write our own standing orders for the institution. All that we try to do does try to reflect the position of the Scottish people in our procedures.

**Mr. Gilles Bisson:** Okay. The convention that—the defeat of a government by want of confidence is allowed in your Parliament?

**Mr. Paul Grice:** Yes. We have very specific provisions. It actually hangs on confidence in the First Minister. We have quite specific provisions. What's distinct, certainly, from Westminster is that if the First Minister loses a vote of confidence, he must resign, but he does not have the power to call an election.

Another party, if they wish, can have a go at forming a government, and they would do that by seeking to get a First Minister nominated for appointment by Her Majesty as First Minister. Only after that process, if that process fails, is an election. So there is no power in this Parliament for a defeated government to actually call an election themselves.

**Mr. Gilles Bisson:** So could the party in power just nominate another leader?

**Mr. Paul Grice:** They could attempt do that. That is a possible scenario in those circumstances.

**Mr. Gilles Bisson:** Okay.

**Mr. Paul Grice:** It's a loss of confidence in the individual as opposed to a loss of confidence in the government as a whole.

**Mr. Gilles Bisson:** I'm going to move on to another issue, the issue of regulation: the delegation of authority from the Legislature to the cabinet. One of the things that happens here in Canada more and more so is that bills are drafted in such a way that the detail of the bill is left to regulation, which is then drafted by cabinet. There's no longer any legislative approval process once that happens. Is that the practice in the Scottish Parliament?

**Mr. Paul Grice:** I think there has been a trend towards more what we call subordinate legislation, but virtually all subordinate legislation has to go through a further parliamentary scrutiny. So whilst I think there has been a trend—not dramatic, but I would say a steady trend—towards having more detail in what you might call delegated powers—and again, Ken is more expert than me; he can go through it.

There are two broad types of secondary legislation. Both have to come back to Parliament for approval. I don't know if Ken wants to say a little bit more on the detail of that.

**Mr. Ken Hughes:** Well, it's actually quite a major industry here because on average we pass something in the region of between 300 and 400 pieces of subordinate legislation every year. So it's a heavy load, but the vast majority comes through Parliament, either on affirmative or negative procedure.

**Mr. Gilles Bisson:** So you follow that same UK model, then?

**Mr. Ken Hughes:** Yes. Roughly, yes.

**Mr. Gilles Bisson:** Is it the same or is it a variance of it?

**Mr. Ken Hughes:** There's a slight variance in the way the committee deals with it. I actually think there's more committee input here than there may be at Westminster. The committee meets weekly.

**Mr. Gilles Bisson:** Okay. If you did, let's say, 400 regulations per year, of the 400, how many of them would end up back before the House for a vote?

**Mr. Ken Hughes:** That would be determined by the procedure, usually, under which it's taken. Approximately 10% to 15% of our instruments are taken under affirmative procedure. That would go to the House for a vote. Under procedures, it has got to go to the House for a vote.

**1050**

**Mr. Gilles Bisson:** In all cases?

**Mr. Ken Hughes:** In all cases of that 10% to 15%—

**Mr. Gilles Bisson:** Okay, gotcha—essentially the same as the UK model, then. That explains it.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson, I just want to break in for a second. Are you folks still okay taking a few questions?

**Mr. Paul Grice:** I've got another appointment at 4 o'clock my time. Would it be okay to try and wind up by then?

**Mr. Gilles Bisson:** Oh, I don't have much longer. I've got about five minutes and I'm done.

**The Chair (Mr. Garfield Dunlop):** About five more minutes?

**Mr. Gilles Bisson:** Yes.

**Mr. Paul Grice:** Absolutely fine, yes. That's absolutely fine.

**The Chair (Mr. Garfield Dunlop):** Thanks. Okay, Gilles, go ahead.

**Mr. Gilles Bisson:** Okay, so that was that. You mentioned that you had opposition days in your Parliament?

**Mr. Paul Grice:** Yes.

**Mr. Gilles Bisson:** And those are apportioned by ratio of the House?

**Mr. Ken Hughes:** No. Our standing orders have a provision that for 16 and a half days per year, opposition will get business of their own choosing.

**Mr. Paul Grice:** And the apportionment within that, in a sense—that's between the opposition parties. So in the current set-up, the Labour Party, as by far the biggest opposition party, gets the lion's share of those; the Conservatives get a bit, and the Liberal Democrats and the Greens.

**Mr. Gilles Bisson:** I guess my question is, are all your votes done at a particular time or are they done directly after the opposition day motion or the bill itself?

**Mr. Paul Grice:** Most votes are done—we have a decision time at 5 o'clock each day for all votes apart from legislation, which is done on running votes.



**Mr. Gilles Bisson:** Run that by us again? You broke up.

**Mr. Paul Grice:** Yes, sorry. We have a decision time every day at 5 o'clock, so all motions and procedural bills would be disposed of then. The exception is when legislation is being considered by Parliament, in which case business is disposed of as it comes.

There are one or two specific exceptions which Ken could probably pick up for you, one or two particular procedures, but broadly speaking, normal motions etc. would all be taken at 5 o'clock. If you were dealing with what we call a stage 3 of a bill, where the Parliament is going to the final consideration of amendments, they're taken at the end of each grouping of amendments.

**Mr. Gilles Bisson:** And the last question: Do you use time allocation?

**Mr. Paul Grice:** Yes.

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** And your time allocation process: Can you explain it to us somewhat?

**Mr. Paul Grice:** Yes. The bureau will propose a length of time for a debate, two or three hours or whatever it happens to be, and then technically it's entirely within the gift of the presiding officer who she allocates time to.

In practice, as clerks, we produce some guidelines which give parties an idea of the length of opening speaker and, depending on the length of speeches chosen—and typically, they're around six minutes—how many speakers they will get. The presiding officer will use those guidelines just to help manage the debate. But the presiding officer decides who to call and when. We try to work with the parties so that they've got a pretty good idea about who's going to be called down when—of course, always preserving the presiding officer's right to make adjustments as she sees fit.

**Mr. Gilles Bisson:** Did I hear you correctly—six minutes per speech?

**Mr. Paul Grice:** Yes.

**Mr. Gilles Bisson:** We can't even warm up in that time.

Let me understand it. How you do this is a foreign system to me, and I don't mean that in a provocative way. The bureau—what do they call it, the Parliamentary Bureau—decides how long a bill is going to be at each stage of the process, including committee?

**Mr. Paul Grice:** Yes, it does. The actual committee bit is always subject to negotiation with the committee, and in my experience, the bureau will almost always agree to, for example, extend—

**Mr. Gilles Bisson:** So this is more of a programming motion than time allocation.

**Mr. Paul Grice:** Yes. I hope I've not confused you but, yes, it is a kind of program motion for legislation.

**Mr. Ken Hughes:** Bills are programmed, but the debates are timed and far more likely to be laid down in a motion to say they'll start at half past 2 and finish at 5, say.

**Mr. Paul Grice:** So within that—that's a typical example Ken has given you. Say we have two and a half hours, and the motion is, the government will table a motion commending itself on its law-and-order policy and it's two and a half hours. Then the job of the presiding officer, obviously with support from ourselves, is to manage that debate. But we have an absolutely well-established tradition that speeches are quite short.

Now, the opening speakers, the front-benchers, and the closing speakers will get longer than that; they could get up to 15 or even 20 minutes for a long debate. But the backbenchers, if you like, speaking in the middle of that, will typically get six minutes. If it's a committee report which has been brought before Parliament, because committees also get an allocation of time before the full House, the convener will get a larger slot equivalent to, say, a minister opening.

So that's how all that works, but it's quite structured, and we don't have this tradition of members standing up and speaking for as long as the mood takes them. It's more regimented than that.

**Mr. Gilles Bisson:** So you don't particularly have time allocation. What you have is a programming motion that goes through this process.

**Mr. Paul Grice:** No. Bills do; bills are subject to a strict program motion.

**Mr. Gilles Bisson:** Okay. Thank you.

**The Chair (Mr. Garfield Dunlop):** Okay. Gilles, thanks so much.

Gentlemen, thank you very much for taking so much time this morning. We really appreciate it.

**Mr. Paul Grice:** I hope that—can I—

**The Chair (Mr. Garfield Dunlop):** And we want to—can you hear me okay?

**Mr. Paul Grice:** It has been a pleasure to speak to you, and if there are any detailed questions, by all means, please ask the clerk to write to us and we'd be very happy to supply you with any further information. Or if any of our answers weren't particularly clear and you want to follow them up with anything in writing, we'd be very pleased to try to help.

**The Chair (Mr. Garfield Dunlop):** Thank you all so much. Have a wonderful summer, and we look forward to receiving your comments and considering them.

Thank you so much and have a great day.

**Mr. Ken Hughes:** Thank you. You too.

**Mr. Paul Grice:** Thank you very much indeed. Goodbye.

**The Chair (Mr. Garfield Dunlop):** Bye. Thanks.

Did everybody get most of their questions in?

**Mr. Gilles Bisson:** No, I would have liked more time.

**The Chair (Mr. Garfield Dunlop):** I didn't realize—I thought it went until noon too. I thought an hour and a half—

**The Clerk of the Committee (Mr. Trevor Day):** He's the Clerk of the House of Scotland. I could only get him for an hour.

**The Chair (Mr. Garfield Dunlop):** Okay, so would you like to take a break for a few minutes?

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Go ahead, Gilles.

**Mr. Gilles Bisson:** The idea of today and tomorrow was that we start having a bit of a discussion amongst the committee about what is it that we think are the things that we can agree on, as far as starting to formulate our thoughts about what we want to recommend to the House in regard to standing order changes. I'm just wondering—I see Mr. Leal is not here, I see Ms. MacLeod is not here. I know I'm not supposed to mention people not being here but my point is, they're the key people—

**Ms. Tracy MacCharles:** I got in trouble for that last week.

**Mr. Gilles Bisson:** But my point is that we need to have—is he coming back?

**Mr. Bas Balkissoon:** Who?

**Mr. Gilles Bisson:** Your whip.

**The Chair (Mr. Garfield Dunlop):** Mr. Leal?

**Mr. Bas Balkissoon:** Yes, Jeff is just away for this meeting.

**Mr. Gilles Bisson:** For today. But he'll be here tomorrow?

**Mr. Bas Balkissoon:** I don't believe so, no. He's away on vacation.

**The Chair (Mr. Garfield Dunlop):** If I may, Mr. Bisson, let me go back to what happened last week. We couldn't get a hold of the Australian Parliament to take part in this so I thought we could fill today up on, first of all, the Scottish Parliament, getting that out of the way. Then, second of all, having a conversation on where we're going from here. I didn't think we could fill two days up, so I sent an email out saying we'll cancel the meeting—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** To both your staff and to the members. So that's why we cancelled the meeting. I think that's in my authority to do so?

**Mr. Bas Balkissoon:** Yes.

**The Chair (Mr. Garfield Dunlop):** So right now, we planned on just sitting today and having a discussion, and report writing would follow after our meetings in Ottawa. That was my intention.

**Mr. Gilles Bisson:** I just checked with Kevin, who works in my office. We did not get that email.

**The Chair (Mr. Garfield Dunlop):** Okay—

**Mr. Bas Balkissoon:** Oh, I did.

**Mr. Gilles Bisson:** That very well could be, Mr. Balkissoon, but the point I'm trying to make here, Chair, is there was a discussion—and I made the point at the end of the last meeting—that the purpose of these next two days was to be able to discuss what it is that we think we can agree on as far as a recommendation. There was never any understanding from my part that we were only going to do hearings; we were actually going to start getting into the substantive part of this. I think we need to proceed with that and take the time necessary with whoever's going to be here to start having these discussions. This committee, after this month of July, can't sit anymore. Then we need a motion of the House in order to re-

convene committees again. What was the point of all of the work of this committee over the last number of months, if we're all just going to go home for the summer?

**The Chair (Mr. Garfield Dunlop):** I think the plan is to have meetings in Ottawa.

**Mr. Bas Balkissoon:** Chair, I asked the clerk that earlier today because I think it was discussed, but I don't think it was agreed.

**The Chair (Mr. Garfield Dunlop):** No, there may not be agreement but there was a discussion to have something. Let's get this all clarified so we know exactly where we're going from here.

**Mr. Bas Balkissoon:** Because this morning, I had a little bit of concern that we cancelled tomorrow and we haven't scheduled the folks from Ottawa. Why don't we do it by teleconference? Because the majority of my members don't go to AMO, we have no reason for being in Ottawa.

**1100**

**The Chair (Mr. Garfield Dunlop):** Okay. We discussed that with Jeff one day and we thought there would be. We can work around whatever we have to do here.

**Mr. Gilles Bisson:** Sorry, I was looking at—they sent it to an email that doesn't exist anymore for about five years, so that was why I never got it. People should know—and I just say to the clerks—you communicate through my office and that's the guy right there. You know who he is. Anyway, that's a whole other thing.

Did I hear you right, Mr. Balkissoon, that you're not going to give your consent for us to go to Ottawa? Is that what I heard?

**Mr. Bas Balkissoon:** Because we cancelled tomorrow and the only person we want from Ottawa is the Clerk of the Senate, and there's some suggestion of members, but we don't know which members, I'm wondering—personally, for me, and my other colleagues, Laura, myself—we don't go to AMO because Toronto is not a member of AMO. Travelling to Ottawa for us, booking rooms, everything else—I see it as a waste of public money when we could deal with it by teleconference and get it over with and schedule it before the end of the time frame given us by the House.

I went back and asked Trevor to provide me with the subcommittee meeting. I am the member of the subcommittee. Jeff filled in for me because I was out of the country. Clearly there's no agreement to travel to Ottawa. I heard Ms. MacLeod mention that at the last meeting and I started thinking we're going to Ottawa, we're going to Ottawa. I'm going to myself, "Okay, I'm going to Ottawa to do one deputant and come back, probably two"—

**The Chair (Mr. Garfield Dunlop):** I'm sorry; if I may, I thought there was going to be probably tours of the Parliament and everything else, plus the meeting.

**Mr. Bas Balkissoon:** Yes. But still, that's like a two-hour meeting and then—

**The Chair (Mr. Garfield Dunlop):** Okay, well look, I mean—

**Mr. Bas Balkissoon:** To me, we can do that from right here.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Yes, Gilles.

**Mr. Gilles Bisson:** Almost every time that this committee was scheduled to meet in the spring session we had a 12 o'clock meeting. At that 12 o'clock meeting there was ample discussion in regards to what was going to happen and the idea was that we would do some hearings with specific people we wanted to hear from during the summer, which we just finished, and then there would be a discussion amongst the committee to do what it is that we're needing to do when it comes to recommendations, number one.

The second thing we talked about there and we also talked about at subcommittee, and in fact spoke about it at this committee—and the reason I put it on the record is to make sure that everybody understood that the idea of Ottawa was to meet with a number of people in Ottawa, yes, but also for this committee to have some time to have a bit of a sit-down, because of the way we're constrained with time, to start talking about what it is that we want to recommend. Ottawa is not just about us travelling off on some junket to some far place in the world called Ottawa and living in some high-swankin' hotel called the Travelodge or wherever the hell it is that we might be staying; it was for this committee to have some time to do its work.

We have spent the better part of three months meeting as a committee, hearing deputants, discussing amongst ourselves, having research do a bunch of work. The idea was that each caucus was then to go away, think about the things that we can agree on, and then this committee, today and tomorrow and in Ottawa, would start making some final decisions about what it is that we can agree on, what are those things that need further work and what are those things that there's just no agreement on, so that we're in a position to report back to the House something that will be the basis of what will be the next step towards possible rule changes.

I would ask Mr. Balkissoon to (a) reconsider that in fact we do take some time to go to Ottawa to do what has to be done and, two, that this committee should be sitting today and tomorrow in order to do what it was asked to do.

**Mr. Bas Balkissoon:** Chair, just for clarification: Mr. Bisson has said he has mentioned these things but I don't think the subcommittee has agreed and I don't think the committee has agreed. I know Ms. MacLeod has said the same thing. My discussion with Mr. Leal was that it was a discussion but there was never agreement.

The thing is, I know, yes, at the very beginning, where you chaired the subcommittee, we agreed that the Clerk from the Senate would be one of our deputants, if we could arrange it. We agreed on Australia, if we could arrange it, but I believe the clerks have been having trouble with the time zone. We've never really pursued the Clerk of the Senate either coming here in person or

doing it by teleconference because we never really got to those logistical details.

I received the email that you cancelled the meeting because we couldn't get the other person on teleconference today. I'm just saying, to take the whole committee to Ottawa for two, probably maybe more if possible, I'm not sure—looking at it, generally I would say in these tough times that could be looked upon as being money wasted when we could do it right here. If you wish to schedule another meeting, I'd be happy to be here. Personally for me, going to Ottawa for an hour or two, I see it, as my colleagues, as problematic because we don't go to AMO. I know you were trying to coincide it with AMO because that's what Ms. MacLeod mentioned.

**The Chair (Mr. Garfield Dunlop):** Well, I think it was only that—it was also that in the subcommittee, when we met, it was very difficult to find days in the summer. Ms. MacLeod is off to Nova Scotia, I believe, or something like that after this. Jeff Leal had a summer vacation planned. I apologize if we don't have enough to do today and tomorrow, but I thought that we would try to fill up today and discuss just exactly what Gilles was referring to, and we can schedule something later on, but we're going to probably have a subcommittee meeting to do that.

**Mr. Bas Balkissoon:** I'm happy to stay the rest of the day and discuss whatever Mr. Bisson has.

**Mr. Gilles Bisson:** It's not what Mr. Bisson has; it's what this committee has to say.

Just a couple of things very quickly: One, this whole matter was dealt with by the House leaders. The reason we put it into the programming motion was to give this committee the ability to travel to Ottawa to do what it is that we had to do, so you can't say this was a complete surprise and you didn't know anything about it. You should talk to your government House leader; you should talk to your whip. It was discussed there.

You don't want to travel to Ottawa? First of all, I just think it's silly when legislators make an argument that, "Oh, it's a waste of money for members to travel." Give me a break. The private sector travels. Everybody travels for reasons of business. Travelling is not something that is a wanton waste of money; it's a question of interacting with other people in order to better do our jobs. That's what this is all about, so I don't accept the premise. But I take it what you're saying is—this is my direct question to you—you will not allow, as a subcommittee member, the committee to travel to Ottawa. Am I correct?

**Mr. Bas Balkissoon:** I'm not saying that it's not allowed. It does not make logical sense to me.

**Mr. Gilles Bisson:** No, no, that's not what I'm asking—

**Mr. Bas Balkissoon:** Mr. Chair, right from the very beginning we have talked about this and we've talked about—

**Mr. Gilles Bisson:** No, no, Mr. Balkissoon, I don't want to have a long, protracted debate—

**The Chair (Mr. Garfield Dunlop):** Okay, hold on a second.

**Mr. Gilles Bisson:** Mr. Balkissoon, I don't want a long, protracted debate. All I'm asking is, as a committee member—because I understand what the programming motion says—will you allow, yes or no, the committee to travel to Ottawa in August?

**Mr. Bas Balkissoon:** Mr. Bisson, I totally object to the way you're putting the question.

**Mr. Gilles Bisson:** Well, I'm just asking the question. The programming motion says that the committee will travel if there's an agreement of the subcommittee. We're agreed on this side. You're not. I just need to know if you're yes or no.

**Mr. Bas Balkissoon:** If there's agreement of the subcommittee. My understanding is that the committee met on June 28 and there was no agreement. If there is another subcommittee meeting, we will discuss that when we get there. I would say to you at this present time—

**The Chair (Mr. Garfield Dunlop):** Guys, hold on a sec. Let me read into the record what was agreed to, okay? I'll get this out of the way right now.

“Standing Committee on the Legislative Assembly: for the purpose of its review of the standing orders, on up to four days during June/July, on dates established by the committee; and that for the purpose of its review of the standing orders the committee is further authorized to adjourn from place to place as unanimously agreed to by its subcommittee on committee business.”

We can go further than the four days and up until the end of July. We're authorized to do that, although we haven't picked out the exact dates for the subcommittee and the only place we're thinking about now is Ottawa. Everything else is off the record, off the—we're not travelling anywhere else. If we do go, we'd have to plan the exact dates in Ottawa. I understand what you're getting at.

**Mr. Bas Balkissoon:** Mr. Chair, we discussed that at the very first meeting, and the issue was having the Parliaments in session so that the visit would be worthwhile. At the current time, we're in recess and Ottawa is in recess. We had the same problem when members raised the issue that they would have liked to visit Westminster. It was the same problem. It seems as though our opinion is different than my friend across the other way—

**The Chair (Mr. Garfield Dunlop):** Okay, and I think our members, Mr. Clark and Ms. MacLeod, felt that they'd like to go to Ottawa at the time of AMO. It was a fairly open discussion on that. Now—

**Mr. Bas Balkissoon:** But it was not agreed. That's my point.

**The Chair (Mr. Garfield Dunlop):** No, I understand, but legally it can be done with a subcommittee phone call or a meeting of the subcommittee. We could agree to do that and we could be legally able to do that.

We'll call that subcommittee meeting, but who will be the contact? Will it be yourself?

**Mr. Bas Balkissoon:** Well, I'm the member of the subcommittee. Mr. Leal filled in for me on the 28th because I was missing. I was out of the country.

**The Chair (Mr. Garfield Dunlop):** So we will have a subcommittee meeting, but for the remainder of the day, would you like to review what we've done today and sort of get some points—

*Interjection.*

**Mr. Gilles Bisson:** Can we take a break and come back here about 1 o'clock?

**The Clerk of the Committee (Mr. Trevor Day):** Let's recess until then.

**Mr. Gilles Bisson:** Let's recess until 1 o'clock and we can have a little bit of a discussion.

**The Chair (Mr. Garfield Dunlop):** Okay. I think it's probably a good thing. We'll recess until 1 o'clock.

*The committee recessed from 1111 to 1304.*

**The Chair (Mr. Garfield Dunlop):** We'll call the meeting back to order. Thanks, everybody. Welcome, Kevin.

We've arranged, at this point, for a subcommittee conference call at 2 o'clock. I'm not sure what we can discuss up until that point that we haven't already discussed this morning.

Gilles.

**Mr. Gilles Bisson:** I just heard Mr. Balkissoon say maybe we should adjourn and just deal with the subcommittee. I don't mind doing that as long as we're clear that the understanding is we are going to meet in August at some point for two days.

**Mr. Bas Balkissoon:** In my view, Mr. Chair, I think the way the order was written, it allows us to—it only specifies the June and July time frame for logistics' sake, but I don't have a problem in August if we could try to find a common date.

**The Chair (Mr. Garfield Dunlop):** All right. Gilles.

**Mr. Gilles Bisson:** I just want to be very clear: I don't mind adjourning the committee now if we know that in fact you're going to agree, along with us and the Tories, to two days in August so that we're going to get our two days.

**Mr. Bas Balkissoon:** Well, do we have two days left? I thought it was a day and a half.

**Mr. Gilles Bisson:** Well, a day and a half.

**Mr. Bas Balkissoon:** Okay.

**Mr. Gilles Bisson:** Two days.

**Mr. Bas Balkissoon:** I don't have a problem with that.

**Mr. Gilles Bisson:** Just for the sake of making sure nothing goes awry, can I suggest what we do is we can adjourn the committee until 2 with the understanding that members don't have to come back unless they want to, in case, for some strange reason, things go awry.

**Mr. Bas Balkissoon:** I'm giving you my word. I just said we will come back in August for two days. I don't want to hold up my colleagues here.

**The Chair (Mr. Garfield Dunlop):** Okay. So we're recessing until—

**The Clerk of the Committee (Mr. Trevor Day):** Either we're adjourning or we're recessing until later today.

**The Chair (Mr. Garfield Dunlop):** We definitely have a conference call planned for 2 o'clock.

**Mr. Gilles Bisson:** And we're going to do it here, I take it?

**The Chair (Mr. Garfield Dunlop):** Right here, yes.

**Mr. Gilles Bisson:** And we've agreed that we're going to meet for two days in August; we just have to work out the days of the subcommittee meeting?

**The Chair (Mr. Garfield Dunlop):** Right.

**Mr. Gilles Bisson:** That is what you're saying, Mr. Balkissoon?

**Mr. Bas Balkissoon:** And it would have to be after some of us come back from NCSL, because there are members that are attending.

**Mr. Gilles Bisson:** You're going to waste taxpayers' money and go—we're not going; the NDP has decided we're not going.

**The Chair (Mr. Garfield Dunlop):** Let's not go there today, guys.

If that's the case, can we recess the—

**The Clerk of the Committee (Mr. Trevor Day):** Just adjourn.

**The Chair (Mr. Garfield Dunlop):** Can we adjourn the committee now—

**Mr. Gilles Bisson:** No, but I want to be very clear, for the record: We're going to adjourn the committee now,

we're going to have a subcommittee meeting, but it's an understanding that there will be two days of hearings sometime between now and the end of August—

**Mr. Bas Balkissoon:** Hearings and report writing.

**Mr. Gilles Bisson:** Yes, the report writing—

**Mr. Bas Balkissoon:** Because the hearing is only one person or two, maximum.

**Mr. Gilles Bisson:** Yes, and the report writing, for a period of two days in August, before the end of August sometime—it's just a matter of working out the dates?

**Mr. Bas Balkissoon:** Yes.

**Mr. Gilles Bisson:** That's what you're agreeing to?

**Mr. Bas Balkissoon:** Absolutely. That's what I'm committing to.

**Mr. Gilles Bisson:** I heard "absolutely agreed."

**Mr. Bas Balkissoon:** I agree to you.

**Mr. Gilles Bisson:** And that's on the record: absolutely agreed, Mr. Balkissoon.

**The Chair (Mr. Garfield Dunlop):** Okay, we got that, everybody? All right then. We're going to adjourn this meeting, and the subcommittee will meet back here at 2 o'clock.

Thank you very much, everyone, for your inconvenience today. Thanks, Kevin, for showing up. Meeting's adjourned until 2 o'clock.

*The committee adjourned at 1307.*





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