

MINUTES OF MEETING

Date: 15th June 2004
Time: 9 a.m.
Venue: Conference Room E

Present: Jenny Randerson (Chair)
Karen Sinclair, Business Minister
Jonathan Morgan, Conservative Business Manager
Elin Jones, Plaid Cymru
Peter Black, Welsh Liberal Democrat
John Marek, Deputy Presiding Officer

Peter Jones, Counsel to the Assembly Parliamentary Service
Andrew George, Clerk to the Business Committee
Marion Stapleton, Assembly Business Unit
Karin Phillips, Members' Research and Committee Services
Alun Jenkins, OCG (Agenda Item 4)
Marc Wyn Jones, Business Committee Secretariat
Catherine Morris, PS to the Deputy Presiding Officer

1. Apologies & announcements

1.1 Apologies for absence were received from Jocelyn Davies. The Chair welcomed Elin Jones who was representing her in accordance with Standing Order 13.3.

2. Minutes of the previous meetings

(i) BC288-04 (Final) Tuesday 25th May 2004

2.1 The minutes were presented to the Committee in their final format. Since there were no comments, they would be translated in readiness for publication.

Action: Chamber Secretariat

(ii) BC288-04 (Draft) Tuesday 8th June 2004

2.2 The minutes were presented to the Committee in draft. An amendment was suggested, which would be incorporated before the minutes were translated in readiness for publication.

Action: Chamber Secretariat

3. Matters Arising (BC288-04 - 25th May 2004)

3.1 **Paragraph 4.5** The Deputy Presiding Officer asked for clarification of the process for submitting Standing Order 29 legislation to the Committee. The Business Minister confirmed that the Committee was provided with copies of all e-mails which had been sent to Members notifying them of the intention to make the legislation and that a copy of any Standing Order 29 legislation

which would be debated in Plenary was also submitted to the Committee prior to the debate.

3.2 Paragraph 7.1 The Chair said that the Secretariat was arranging the additional Business Committee meeting to discuss issues arising from the report of the Richard Commission.

3.3 Paragraph 7.2 The Chair said that the Report of the Business Committee on proposed changes to Standing Orders 8 and 9 had been laid and that a debate on the proposals would take place later that day.

4. Subordinate Legislation

(a) Orders for consideration

The Animal Gatherings (Wales) Order 2004 (BC308-04) *Recommended Procedure: Accelerated*

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004 (BC309-04) *Recommended Procedure: Accelerated*

The Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004 (BC310-04) *Recommended Procedure: Accelerated*

The Conservation (Natural Habitats, &c.) (Amendment) (Wales) Regulations 2004 (BC311-04) *Recommended Procedure: Accelerated*
& Report by the Environment, Planning and Countryside Committee (BC328-04)

The Education (Pupil Exclusions and Appeals) (Miscellaneous Amendments) (Wales) Regulations 2004 (BC312-04) *Recommended Procedure: Standard*

The Education Act 2002 (Commencement No. 5) (Wales) Order 2004 (BC313-04) *Recommended Procedure: Accelerated*

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2004 (BC314-04) *Recommended Procedure: Accelerated*

The Education (School Teachers' Qualifications) (Wales) Regulations 2004 (BC315-04) *Recommended Procedure: Accelerated*
& Report by the Education and Lifelong Learning Committee (BC329-04)

The Education (Specified Work and Registration) (Wales) Regulations 2004 (BC316-04) *Recommended Procedure: Standard*

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2004 (BC317-04) *Recommended Procedure: Accelerated*

The School Teachers (Consequential Amendments) (Wales) Regulations 2004 (BC318-04) *Recommended Procedure: Accelerated*

The Housing (Right to Buy) (Priority of Charges) (Wales) Order 2004 (BC319-04) *Recommended Procedure: Accelerated*

The Business Committee recommended the Accelerated procedure for BC308-04 - BC314-04, BC317-04 and BC319-04. The Committee recommended the Standard procedure for BC315-04, BC316-04 and BC318-04. The Deputy Presiding Officer subsequently determined that none of these draft Orders need be referred to subject committee.
BC309-04

4.1 The Deputy Presiding Officer noted that a Welsh version of the Regulations would not be available until later that day and said that this could cause problems for the Legislation Committee. Alun Jenkins confirmed that he had discussed the issue with the Legislation Committee's Legal Adviser and that it had been agreed that consideration of the Regulations by that Committee would be deferred for a week.

BC310-04

4.2 The Chair said that there was a discrepancy in the information about the consultation process contained in the Explanatory Memorandum and Regulatory Appraisal accompanying this draft Order. Marion Stapleton said that she would ensure that the information was clarified. The Deputy Presiding Officer referred to the Cover Sheet accompanying this draft Order, which said that the Regulations came under the "Wales only/implementing EU legislation" category. The Deputy Presiding Officer said that the Regulations should come under the "matching Whitehall" category. Marion Stapleton said that she would be discussing issues relating to the categorisation of draft Orders with Peter Jones.

BC312-04

4.3 The Deputy Presiding Officer referred to the Explanatory Memorandum, which said that there was accompanying guidance associated with this draft Order. He said that the Business Committee had not had sight of the guidance. Marion Stapleton confirmed that the guidance was not legislative in nature, and therefore was not treated as subordinate legislation for the purposes of Standing Orders.

BC313-04

4.4 The Deputy Presiding Officer referred to the Cover Sheet accompanying this draft Order which said that there had been no prior subject committee scrutiny of the order. He said that members of the Education and Lifelong Learning Committee had seen the draft Order but had not commented. In these circumstances, the Cover Sheet could have said that the Subject Committee had been consulted.

BC318-04 & BC329-04

4.5 The Business Committee noted the Report of the Education and Lifelong Learning Committee, which said that amendments had been proposed to the draft Order by members of the Committee. On this basis, the Business Committee recommended the Standard procedure for this draft Order.

(b) Standing Order 29 Subordinate Legislation

BC320-04, BC321-04, BC322-04 and BC323-04

4.6 The Business Committee noted the e-mails from Cabinet Secretariat notifying Members about the intention to make various items of legislation in accordance with Standing Order 29.

(c) Orders made under the Executive Procedure; Papers to note.

(d) Papers for Information

5. Committees

5.1 The Business Committee noted the letter from the Chair of the European and External Affairs Committee on consideration of proposals to enhance EU scrutiny in the UK parliament.

6. Forthcoming Business

BC324-04

6.1 The Business Minister responded to various requests from Business Managers and said that

- There was no intention to schedule a statement on reports that children were being prescribed anti-depressants to help them cope with exam pressures as deciding on an appropriate treatment for patients was a matter for the individual medical practitioner.
- There was no intention to schedule a statement on reports that NHS patients in Pontypridd and Rhondda Trust being advised to consider seeking private treatment for abortions.
- There was no intention to schedule a debate on Further Education as the Minister for Education and Lifelong Learning had previously made a statement to the Education and Lifelong Learning Committee on the restructuring of Coleg Gwent and this issue would feature as part of the Minister's Report to the next meeting of the Committee on 16 June.

(ii) This Week's Business

6.2 The Committee considered paper BC325-04, which detailed the Assembly's agreed business for the week.

6.3 Jonathan Morgan asked if a statement could be made on reported spare

capacity in England for patients from Wales requiring cardiac operations.

6.4 Peter Black reiterated his request for a debate on funding in further education in Wales. Business Managers supported this request.

6.5 Elin Jones asked if a statement could be made on NHS waiting lists in Wales for gynaecology. Business Managers supported this request.

(ii) Draft Business Statement

6.6 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 22nd June, 29th June and 6th July.

6.7 Paul Silk said that the Lord Chief Justice would be addressing Assembly Members before Plenary on Tuesday 6th July.

6.8 Elin Jones referred to the debate on the School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004, which was scheduled for 22nd June and had been allocated 45 minutes. She said that numerous Members would wish to speak and asked if the debate could be allocated an hour.

7. Advice to Assembly on procedures

BC286-04

7.1 The Business Committee considered the paper on amendments to opposition party motions. Business Managers said they were content with the proposals. The Business Minister said that she had some concerns about the proposals and in response to a query, said that she would bring forward alternative suggestions to deal with the issue. Business Managers said that, in the meantime, opposition parties could continue to table amendments to their own motions in order to ensure that a vote on their chosen issue took place.

BC327-04 and BC91-04

7.2 The Business Committee noted the paper from the Business Minister on proposals for amendments to Standing Order 31 and a previous paper from the Clerk to the Assembly on the same issue. Members of the Committee said they were generally content with the Minister's proposals but raised the following concerns.

- The Assembly Review of Procedure had recommended that every Individual Member should have an opportunity to propose legislation under Standing Order 31 during an Assembly. The proposal outlined in the paper was for 24 ballots to be held during an Assembly, some of which would be interrupted by Assembly elections.
- The proposed structure of the debate on the motion at the "Second

Reading" stage meant that a Minister, and not the proposer of the legislation, would open and close the debate. It was felt that the Member proposing the legislation should be in charge of the debate.

- Allocating between 30-60 minutes for the debate at the "Second Reading" stage could restrict the number of backbench Members wishing to speak.
- Following approval at the "Second Reading" stage, consultation with Subject committee should be a matter of course, rather than a matter of choice.
- There was no provision in the paper for legislation which had been prepared by others e.g. a lobby group on behalf of a Member.

The Business Minister said she would consider the Committee's concerns. It was agreed that the Committee would return to this issue on 29th June following consultation by Business Managers with their groups.

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT