

# Equality of Opportunity Committee

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## Participation at Committee Meetings

1. Prior to the 2007 National Assembly elections, and the coming into force of the Government of Wales Act 2006, both the Equality of Opportunity Committee and the European and External Affairs Committees had Standing invitees to their meetings, who sat at the table, and participated to varying degrees in the deliberations of the committee. Both the Act and the Standing Orders made under it have changed the position in relation to such invitees. The new Equality of Opportunity Committee has asked for clarification of what is permissible under the new provisions. 2. Section 28(2) of the Government of Wales Act 2006 provides that - "The members of a committee of the Assembly, or of a sub-committee of such a committee, may not include anyone who is not an Assembly member." Though implicit in the 1998 Act, this explicit prohibition is a change introduced by the 2006 Act. 3. When the new Standing Orders were prepared, specific consideration was given to the arrangements then in place for the two former committees. Standing Order 18.2 specifically provides, in relation to the Committee on European and External Affairs, that - "Members of the European Parliament representing Wales and the Assembly's representatives on the Committee of the Regions may attend and, with the permission of the chair, speak at the Committee's meetings, but they may not vote." There is no corresponding provision in relation to the Equality of Opportunity Committee, which is therefore governed by the general provisions that apply to committees of the National Assembly. 4. The relevant provisions are Standing Orders 10.43 and 10.44, which read as follows - "10.43 Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting but may not vote. 10.44 Committees may invite any person to attend meetings for the purpose of giving evidence, or providing advice and may invite any such person or body to submit evidence and produce documents." 5. The position of the former standing invitees is therefore governed by Standing Order 10.44. They can only be invited to attend meetings for the purpose of giving evidence or providing advice, and not to participate generally in the Committee's deliberations. 6. The change is important because there are important rights available to committee Members - primarily the right to question witnesses directly and to influence/take decisions. These flow from being an elected Member and should not be given over to anyone else. Linked to that is the important issue of privilege - Members and witnesses need to be protected by it in order to encourage free and frank expression but it should not be extended to others, otherwise the Assembly will be giving a unique, protected position to certain consultees that they would not otherwise have. 7. It would be inappropriate (and contrary to Standing Orders) for certain bodies to participate in the scrutiny of Ministers or other witnesses giving evidence to the Committee in its new role. Gwyn Griffiths  
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