

## **COMMITTEE ON EQUALITY OF OPPORTUNITY**

**Date:** Thursday 11 November 1999

**Time:** 9.30am

**Venue:** Committee Room 1, National Assembly Building

**Title** Equality of Opportunity in the Conduct of the Assembly's business

### **Purpose**

At its meeting on 14 October 1999 the Committee requested a report on current guidance to Assembly Members on conduct during Assembly business and the recommendations of the National Assembly Advisory Group's (NAAG) Report on this issue.

### **Recommendation**

Committee members are invited to note the content of this report.

### **Background**

In addition to the recommendations contained in the NAAG report, a number of issues not intended for Standing Orders but also related to equality of opportunity were raised. These include the matter of access to information for those who use minority languages. The Assembly has now produced a Code of Practice on Public Access to Information which relates to this topic.

The Annexes to this paper contain relevant extracts from:

- The National Assembly Advisory Group Report (Annex A)
- Standing Orders (Annex B)
- The Code of Standards for Members (Annex C)
- The Presiding Officer's Code of Conduct (Annex D)
- The National Assembly Code of Practice on Public Access to Information (Annex E)

### **Compliance**

This report is presented to the Committee for information and discussion. There are no issues about regularity or propriety, or any financial implications.

## Cross-cutting Themes

Equality of Opportunity in the conduct of the Assembly's business and functions.

## Contact

Committee Secretariat

## ANNEX A

### EXTRACT FROM THE REPORT OF THE NATIONAL ASSEMBLY ADVISORY GROUP

#### Section 4. The Assembly and its Business

##### Assembly in plenary session

##### Recommendations for standing orders

###### *Conduct*

24. We **recommend** that standing orders set out rules governing the process of debate in plenary sessions which will promote the dignity of the proceedings and in line with the requirement placed on the Assembly by the Government of Wales Act, to take account of the principle of equality of opportunity for all people in the conduct of its business. Racist, sexist and other discriminatory language should be forbidden by standing orders.

25. The Government of Wales Act requires plenary sessions of the Assembly to be held in public and requires standing orders to include provisions for preserving order in proceedings so as to prevent conduct which would constitute a criminal offence and to incorporate a sub judice rule (section 69). We **recommend** that standing orders should:

- authorise the Presiding Officer to require any member whose conduct is grossly disorderly to withdraw from proceedings;
- specify when Members may not refer in debate to imminent legal proceedings (including those to which the Assembly is a party); and
- enable Members who have been grossly disorderly to be excluded from the Assembly for a given period and for a suspension in their rights of pay for that period.

26. The Government of Wales Act (section 70(2)) allows standing orders to set out the rules to be

complied with by members of the public attending proceedings of the Assembly. It also allows members of the public to be excluded from proceedings if they do not comply with those conditions. We **recommend** that standing orders should:

- require members of the public attending proceedings to behave with due respect to the Assembly at all times;
- unless required for them to follow proceedings, forbid members of the public from speaking in the public gallery while proceedings are in progress; and
- allow the Presiding Officer to instruct persons who are not behaving with due respect to the Assembly to leave the public gallery.

### **Recommendations not for standing orders**

4.2 We are anxious that the Assembly should be as open and as accessible to the public as possible. We also **recommend** that:

- all areas of the building should be accessible for people with disabilities so that they have equal rights of public access. This includes facilities for people with sight and hearing impairment as well as people who use wheelchairs;
- the Assembly consults disability groups on the best means of achieving this;
- the Assembly consults ethnic minority groups about the kinds of information which should be produced in ethnic minority languages;
- the Assembly consults groups with sensory impairments and other disabilities about the use of accessible formats in producing information;
- plenary sessions should be accessible to broadcasters wishing to record the proceedings;
- sufficient space should be available for members of the public to attend proceedings;
- tours of the main Assembly building should be available to the public at suitable times;
- members of the public should be able to enter the public areas of the Assembly building - such as the information desk where they should be able to leave messages for Assembly Members - without prior arrangement;
- there should be straightforward arrangements for people to attend proceedings of the Assembly;
- in addition to the self financing creche providing a childcare facility for Members and staff, the Assembly should consider further whether it would be desirable to make creche facilities available, on a drop-in basis, to members of the public wishing to visit the facility; and
- there should be an information and education service.

# **EXTRACT FROM NATIONAL ASSEMBLY STANDING ORDERS**

## **STANDING ORDER 7 - Order in Plenary Meetings**

### **Rules of Debate**

7.1 Members called by the Presiding Officer to speak shall address the chair. Members may speak in English or Welsh and simultaneous interpretation facilities shall be provided for speeches made in Welsh. The Presiding Officer may call the Secretary of State for Wales to speak in any debate.

7.2 Members shall not use language which the Presiding Officer considers to be disorderly, discriminatory or offensive or which may detract from the dignity of the Assembly. The Presiding Officer may direct a Member who has used such language to withdraw it.

### **Length of Speeches**

7.3 Speeches shall be relevant to the business before the Assembly, and avoid tedious repetition. The Presiding Officer may, at the beginning of any debate, announce a time limit on Members' speeches, and may direct a Member who has spoken for too long to stop speaking.

### **Speaking More Than Once**

7.4 A Member, other than the proposer of a motion or an amendment who is exercising a right of reply, may not speak more than once on any matter except, with leave of the Presiding Officer, for the purpose of briefly explaining some material point of his or her original speech.

7.5 A Member who is speaking may allow other Members to intervene for the purposes of clarification before resuming a speech.

7.6 A Member may not speak after the proposer of a motion has exercised a right of reply.

7.7 A Member may not speak after a proposition has been voted on except on a point of order relating to it.

### **Maintenance of Order**

7.8 The Presiding Officer shall maintain order in the Assembly and shall call to order any Assembly Member who:

- (i) is engaging in conduct which may constitute a criminal offence;
- (ii) is obstructing the business of the Assembly;
- (iii) seeks to raise a matter outside the scope of the debate or motion;

- (iv) is guilty of discourteous or unbecoming conduct;
- (v) is using disorderly, discriminatory or offensive language;
- (vi) refuses to conform to any standing order; or
- (vii) disregards the authority of the chair.

7.9 A Member shall comply with any directions given by the Presiding Officer about any conduct for which he or she has been called to order. A Member may be required to withdraw from proceedings for the remainder of the day if the Presiding Officer considers the conduct such as to warrant withdrawal.

7.10 When the Presiding Officer has required a Member to withdraw from proceedings and the Member has not done so, a motion to exclude the Member from proceedings of the Assembly shall be proposed by a Member and shall be voted on immediately. The exclusion on the first occasion shall be for one working day immediately following the day of exclusion, on a second occasion during the same calendar year for five working days immediately following the day of exclusion, and on a third or any subsequent occasion during the same calendar year for 20 working days immediately following the day of exclusion.

7.11 During the period of a Member's exclusion he or she shall not be entitled to receive any salary from the Assembly and shall not be permitted to attend any proceedings of the Assembly.

7.12 In case of grave disorder arising in the Assembly the Presiding Officer may adjourn the meeting without putting any proposition to the vote, or may suspend the sitting for a specified time.

### **Conduct of the Public**

7.15. The Presiding Officer may make rules specifying the conditions with which members of the public attending proceedings of the Assembly must comply.

7.16 The Presiding Officer may require members of the public observing proceedings to withdraw if they are acting in a disruptive or disorderly manner, or otherwise interfering in the Assembly's proper discharge of its business.

### **STANDING ORDER 8 - Committees**

#### **Procedure in Committees**

8.18 The provisions of standing orders 7.1 to 7.3, 7.8, and 7.12 to 7.16 shall apply in committee meetings as appropriate. Members of committees shall comply with any directions given by chairs of committees as to their conduct in committee proceedings, and the chair of a committee may require a member who has failed to comply with a direction to withdraw from the proceedings. If a member refuses to withdraw when required to do so, the chair shall adjourn the committee and as soon as may be report the matter to the Presiding Officer; and a Member may at the next plenary meeting propose that the Member be excluded from proceedings of the Assembly for a period in accordance

with paragraph 7.10.

## ANNEX C

### EXTRACT FROM THE CODE OF STANDARDS FOR MEMBERS

#### Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Members should make choices solely on merit and the public interest.

#### The Principles in Practice

1. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two at once, and in favour of the public interest.
2. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and refrain from any action which would bring the Assembly, or its Members generally, into disrepute. Members shall not ask civil servants to act in any way which would compromise the political impartiality of the Civil Service or conflict with the Civil Service Code.
3. In any activities in relation to, or on behalf of, an organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, he or she must always bear in mind the need to be open and frank with other Assembly Members, and with officials.
4. Members must bear in mind that information which they receive in confidence in the course of their Assembly duties should be used only in connection with those duties, and that such information must never be used for the purpose of financial gain.
5. No improper use shall be made of any payment or allowance made to Members for public purposes and the administrative rules which apply to such payments and allowances must be strictly observed.
6. Members shall comply with the Assembly's standing orders and its codes of practice and protocols.

**NATIONAL ASSEMBLY FOR WALES**  
**PROTOCOL ON CONDUCT IN THE CHAMBER**

**PRESIDING OFFICER'S PROTOCOL ON CONDUCT IN CHAMBER / RULES OF DEBATE**

**PRINCIPLES**

**Key Principle**

1. Members must at all times in their conduct promote respect for the Assembly and extend respect and courtesy to other Members. Members must comply with any directions given by the Presiding Officer about conduct in the chamber.

**Contents of speeches**

7. Standing order 7.2 forbids the use of language which the Presiding Officer considers to be disorderly or offensive to Members or other persons or which may detract from the dignity of the Assembly. It will be for the Presiding Officer to decide what constitutes disorderly or offensive language. Racist, sexist or other discriminatory language and allegations against Members will be considered offensive. The Presiding Officer may require a Member who has used offensive language to withdraw it (standing order 7.2).

**DISORDERLY CONDUCT**

16. The Presiding Officer will maintain order in the Assembly and call to order any Assembly Member who:

- (i) is engaging in conduct which may constitute a criminal offence;
- (ii) is obstructing the business of the Assembly;
- (iii) seeks to raise a matter outside the scope of the debate or motion;
- (iv) is guilty of discourteous or unbecoming conduct;
- (v) is using offensive language;
- (vi) refuses to conform to any standing order; or
- (vii) disregards the authority of the chair (standing order 7.8).

## EXTRACT FROM THE NATIONAL ASSEMBLY CODE OF PRACTICE ON PUBLIC ACCESS TO INFORMATION

### Principles

1.6 The Assembly will operate in accordance with the following principles:

Plain language	The Assembly will use plain, gender neutral language in its dealings with the public. It will produce documents for consideration by Members and Committees which are open to public inspection bilingually in English and Welsh in accordance with its Welsh Language scheme.
Different needs	The Assembly will take into account the needs and preferences of different sectors of the community, especially those of people with disabilities and people from ethnic minority communities in providing information to the public in Wales.

### Plain language and different needs

1.10 The Assembly will encourage the use of clear, brief documents as far as possible. It will avoid small print. It will consult disability organisations on what material should be made available on tape or in Braille. It will consult organisations representing ethnic minorities on what material should be made available in languages other than Welsh and English.

1.14 Requests for information can be made: in writing, including a name and address to which a reply may be sent; or by e-mail; or by making an appointment with the Assembly's Public Information and Education service to call in person. In some circumstances (particularly where a person is unable, by reason of disability or other cause to frame their request in writing) requests will be accepted by telephone. A written note of the application will be sent to the person to confirm what was requested.

### Responses to requests for information



1.16 Requests for information made in Welsh will receive a response in Welsh; published Assembly documents will be available in Welsh and English. Requests for information made in languages other than Welsh or English will, where practicable, receive a response in that language.