

COMMITTEE ON STANDARDS OF CONDUCT STD 05-01 (DRAFT MIN)

Date: 12th December 2001, at 09.30hrs

Venue: Committee Room 2, Cardiff Bay

Attendance:

Members

David Melding, South Wales Central (Chair)
Cynog Dafis, Mid and West Wales
Christine Gwyther, Carmarthen West and South Pembrokeshire
Gareth Jones, Conwy
Gwenda Thomas, Neath
Eleanor Burnham, North Wales
Karen Sinclair, Clywd South

Officials

Andrew George, Committee Clerk
Steve George, Deputy Committee Clerk
David Lambert, Legal Adviser to the Presiding Office

Other

Richard Penn, the Assembly's Independent Adviser on Standards

Item 1: Minutes of the last meeting and Chair's introductory remarks

1. The Chair welcomed everyone to the meeting. Apologies had been received from Brian Hancock. The Chair also welcomed Steve George who had recently been appointed as Deputy Clerk to the Committee.
2. The Committee confirmed that the minutes of the last meeting (STD 04-01 min) were an accurate record.

Item 2: Quarterly update and review of action arising from STD-04-01

Paper STD-05-01(1)

3. The Chair introduced the item and explained that the three action points noted in the paper had been discharged.
4. The Chair also referred to the Plenary Debate on the Committee's Annual Report. The Debate had been relatively short and un-contentious. He felt that

this reflected general satisfaction among Assembly Members with the Committee's work.

5. Freemasonry (Item 4) and Members Indirect Interests (Item 5) would be discussed later in the meeting.

6. The Committee noted the Secretariat's paper.

Item 3: Update on the Register of Members' interests

Oral Item

7. The Clerk provided an update on the Register of Members' Interests. The latest Report on the Register would be published before the end of the month.

8. He went on to explain that the Secretariat was looking for ways to improve public access to the Register to the public. It was currently available in hard copy for inspection in the Table Office. A periodic report on the Register was also available on the Internet and Intranet. The Secretariat was now looking at the possibility of a continuously updated version of the Register being made available on the Internet.

Action: Secretariat to report on progress to the next meeting of the Committee.

Item 4: Freemasonry

Papers STD-05-01(02)

10. The Chair introduced the item and welcomed Mr James Bevan (Provincial Grand Secretary, Province of South Wales Eastern Division) and Mr James Hamill (Director of Communications for the United Grand Lodge of England) to the meeting. Mr Bevan and Mr Hamill had given evidence before the Committee in April and had been invited back to inform the Committee of their views on two recent rulings by the European Court of Human Rights (ECHR) and their implications for the Assembly.

11. Mr Hamill then made a presentation to the Committee about the Freemasons' view on the judgements. He made it clear that the Freemasons had no objection to the requirement to register. It was being singled-out, and the negative perception this created, to which they objected. Although neither ruling was clear-cut, he believed they both added strength to the argument that the Freemasons had been unfairly singled out among fraternal organisations in the requirement to be included in the Assembly's Register.

12. Mr Hamill said that in the first case, the Court had found that a legal requirement, which obliged candidates for public office to declare that they

were not members of the Freemasons, was unnecessary in a democratic society. Comments made as part of the ruling had also made it clear that the requirement made it look as if Freemasonry was an illegal activity and had brought into doubt Freemasons' impartiality.

13. In the second case, the Court had found that the requirement to declare membership of the Freemasons was not a breach of the right to privacy. However, the Freemasons had received legal advice, which suggested that this would have constituted a breach in the UK because of the effects of the Data Protection Act. Mr Hamill said that their legal advice also suggested that comments made as part of the ruling had further strengthened their argument that the current requirements are unfair. He went on to point out that two other recent rulings against the UK, after cases brought by homosexual members of the armed forces, suggested that perception was an insufficient reason to vary human rights.

14. Mr Hamill also mentioned recent guidance to local authorities that treated all fraternal organisations even-handedly. The Freemasons would be able to support a similar requirement in the Assembly.

15. Among the points made in discussion following Mr Hamill's presentation were:

- that the reasons for the Assembly's current requirements included the allegations that:
 - the Freemasons are a secret society, who do not make public their membership;
 - Freemasons show improper favour to other Freemasons; and
 - through the Oaths they take, Freemasons owe greater loyalty to Freemasonry than to other institutions or the state.

In reaching a view on whether the Assembly's requirements should remain, the Committee would need to consider the extent to which:

- the allegations are true; and
 - the allegations are unique to the Freemasons.
- the Freemasons did not have a secret code. However, they did have a number of "tests" which were known only to fellow Masons. The Freemasons saw these primarily as tests of integrity and recognition rather than as a means of maintaining secrecy. They were also useful in recognising members from other countries. Membership cards would not be as useful because there was no common international format.
 - membership was considered to be private rather than secret. There was no sanction on individual members disclosing their membership but neither

were they compelled to disclose membership. A number of other organisations, such as trade unions, had been unable or unwilling to provide details of their members to the Freemasons.

- a copy of the Freemasons' yearbook, which gave details of all lodges and officers throughout the UK, was sent to all public libraries. Details of Masonic rituals were freely available to buy in bookshops. However, there was no central list of members and individual lodges would not necessarily have accurate records of all their members.
- freemasons give an undertaking to uphold the law. They do not swear allegiance to each other or the organisation and it was an offence under their rules to show improper favour to other Freemasons. Nevertheless, where relevant, they would encourage members to declare their membership in order to avoid any potentially damaging negative perceptions. A House of Commons Select Committee had concluded that Freemasonry caused no conflict with, for instance, the oath taken by Police Officers.
- disciplinary action against members was published. Mr Hamill undertook to write to the Committee about the number of Freemasons disciplined for showing improper favour to other members.
- the ethos of the National Assembly was one of openness, inclusivity and equality of opportunity. The ethos of the Freemasons appeared to run counter to that.
- the impetus to become a Freemason came from individuals. The Freemasons did not actively recruit. Approval for membership came through a ballot of lodge members after being proposed by existing members. The main qualification for membership was a belief in a Supreme Being. No distinction was made between different religions. The United Grand Lodge of England had an exclusively male membership but there were female-only grand lodges in the United Kingdom.

16. The Chair invited David Lambert to comment on paper STD 05-01(2), which set out details of one of the ECHR rulings, and to respond to Mr Hamill's presentation in relation to the two rulings from the ECHR.

17. David Lambert explained that, in the time available since the rulings, it had only been possible to provide the Committee with advice on one of the two cases. He had, therefore, given advice on the case that seemed to have the greatest relevance to the Assembly's situation. This case suggested that the requirement to register being a Freemason did not cause harm and did not therefore impinge on the complainant's right to privacy.

18. Mr Lambert accepted, however, that both cases might have implications for the Assembly's position. Full details of both cases, including any more general principles arising from them, needed to be considered carefully. He undertook to consider these matters, and Mr Bevan and Mr Hamill's views, and to report further to the Committee.

19. The Chair thanked Mr Bevan and Mr Hamill for attending. He said that the Committee would now ask for a further paper from the Secretariat before reaching a conclusion on the matter. The paper would need to include advice on:

- both recent ECHR cases - including points that had been made in Mr Hamill's presentation;
- whether the position of the Freemasons is unique and, therefore, whether "singling-out" is reasonable; and
- whether guidance to Local Authorities created a precedent for the National Assembly's procedures.

Although the Freemasons would not be invited to give any further oral evidence before the Committee, he asked Mr Hamill and Mr Bevan to forward any further written evidence arising from the meeting to the Secretariat. The Committee would seek to reach a conclusion early in the New Year.

Action: Secretariat to provide a paper for the Committee's consideration at its next meeting.

Item 5: Indirect Interests

Papers STD-05-01(03)

Papers STD-05-01(04)

21. At its meeting on 28 June, the Committee had approved a paper for the Business Committee summarising the conclusions and recommendations of the review of indirect interests. The Chair had attended the Business Committee meeting on 30 October when the matter had been considered.

22. The views of the Business Committee had been taken into account and incorporated in the Committee's draft report to the Assembly (STD 05-01(03)). This made the clear recommendation that Standing Order 4 should be revised to remove the requirement to register 'indirect' interests.

23. The Committee noted and approved the draft report subject to some minor textual amendments.

24. The report would now need to go to the Assembly in Plenary for consideration. A date had not yet been set for this but the aim would be for it to be considered as soon as possible in 2002. Once the report and the

consequential changes to Standing Orders had been agreed in Plenary, arrangements would be made for the associated guidance to be revised.

Action: Secretariat to make arrangements for the report, and consequent changes to Standing Orders, to be debated in Plenary.

Item 6: Review of Procedures for Standards: Appointment of Expert Adviser

Oral Item by the Clerk

25. At its meeting on 28 June, the Committee had agreed to appoint an expert adviser to take forward the review of the Assembly's procedures for standards of conduct. The appointment panel had met on 7 November and had appointed Professor Diana Woodhouse of Oxford Brookes University. Professor Woodhouse was a constitutional lawyer with a strong background in standards issues. A prior engagement had prevented her attending the meeting but she very much hoped to attend the next meeting when she would outline her work programme and initial thinking to the Committee.

Item 7: Any Other Business and date of next meeting

Date of Next Meeting

26. The Committee agreed that the next meeting should take place on Wednesday 13 February 2002. A meeting could also be held on Wednesday 16 January if there was a need for an oral complaint hearing.

Item 8: C015-01

27. Hearing held in closed session. A summary of the views and conclusions reached will be presented to the Assembly in due course.

Standards Committee Secretariat