

# Committee on the Government of Wales Bill

## Minutes GWB(2)-03-06 (mins)

Date: Monday 30 January 2006  
Time: 16.00 – 19.00  
Venue: Committee Room 3, National Assembly for Wales

### Assembly Members in Attendance

Assembly Member	Constituency
Leighton Andrews	Rhondda
Nick Bourne	Mid and West Wales
Jocelyn Davies	South Wales East
Lord Dafydd Elis-Thomas (Chair)	Meirionnydd Nant Conwy
Mike German	South Wales East
Christine Gwyther	Carmarthen West and South Pembrokeshire
Jane Hutt	Vale of Glamorgan
Ann Jones	Vale of Clwyd
Ieuan Wyn Jones	Ynys Mon
Val Lloyd	Swansea East
David Melding	South Wales Central

### Officials

Name	Representing
Paul Silk	Clerk to the Assembly
Peter Jones	Counsel to the Assembly Parliamentary Service
Hugh Rawlings	Constitutional Affairs Unit, Welsh Assembly Government

## Committee Service

Name	Job title
Siân Wilkins	Committee Clerk
Gareth Williams	Committee Clerk
Sarah Beasley	Deputy Committee Clerk

### Item 1: Introduction, Apologies, Substitutions and Declarations of Interest

1.1 Apologies were received from Gwenda Thomas. Christine Gwyther attended the committee as her substitute.

### Item 2: Outstanding items from previous meeting

2.1 No items were raised.

### Item 3: Government of Wales Bill

#### Paper: GWB(2)-03-06 (p1)

3.1 The Committee agreed that all amendments should be tabled by 15.00 the day before each meeting.

3.2 The Committee considered Parts 4 and 1 of the Bill and amendments tabled in relation to it.

#### 3.3 Amendment 67: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 102 - page 56, line 25 at end insert:

"(3A) If a resolution passed by the Assembly under section 103 includes the text of the question which the Assembly proposes should be included on the ballot paper at the referendum, that text shall be included in any recommendation made to Her Majesty in Council to make an Order in Council under subsection (1)."

**Following discussion, the amendment was withdrawn.**

#### 3.4 Amendment 52: proposed by the Welsh Liberal Democrats

Clause 102(5) Page 56 Line 32 –

Leave out from ‘Assembly’ and insert ‘Senedd Members voting.’

### **Amendment 69: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Clause 102 page 56 line 32 delete the words "is not less....Assembly seats" and replace with the words "represents a majority of Assembly Members present and voting in favour"

**These amendments were grouped by the Presiding Officer for the purpose of discussion, but were voted upon separately.**

**Following discussion, the amendments were voted on as follows:**

#### **Amendment 52:**

This amendment was moved on the basis that "Senedd Members" could be construed as "Assembly Members" for the purposes of the remaining Liberal Democrat amendments.

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

**Amendment defeated.**

#### **Amendment 69:**

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

**Amendment defeated.**

### **3.5 Amendment 68: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Clause 102, page 56, lines 35 and 36 delete the words "Secretary of State" and replace with the words, "the Assembly"

**Following discussion, the amendment was withdrawn on the basis that amendment 67 (clause 102) had previously been withdrawn.**

### **3.6 Amendment 66: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Delete clauses 102 and 103

(to be read in conjunction with the amendment to clause 64)

Following discussion, the amendment was voted on as follows:

For: Ieuan Wyn Jones, Jocelyn Davies, Mike German (3)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: Nick Bourne, David Melding (2)

**Amendment defeated.**

### **3.7 Amendment 11: proposed by the Welsh Conservative Group**

Clause 103. In para (1a) delete "moved by the First Minister or a Welsh Minister appointed under section 48."

Delete para 1b.

**Following discussion, the amendment was withdrawn.**

### **3.8 Amendment 70: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Clause 103, page 57, line 7:

Leave out from "the number" to "Assembly seats", and insert:

"a majority of Assembly Members present and voting vote in favour".

**Following discussion, the amendment was withdrawn.**

### **3.9 Amendment 71: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Clause 104, line 25, delete the word "referendum" and replace with "poll" and in line 26 delete the words "section 102(1)" and replace with "section 64(1)"

(to be read in conjunction with amendment to clause 64)

**Following discussion, the amendment was withdrawn.**

### **3.10 Amendment 12: proposed by the Welsh Conservative Group**

Clause 107/Schedule 7. Part 1(15)

Remove: "The Children's Commissioner (established under the Children Act 2004 (c.31))" from the list of exemptions.

**Following discussion, the amendment was withdrawn.**

### **3.11 Amendment 72 – proposed by leuan Wyn Jones and Jocelyn Davies**

Schedule 7, page 115, leave out line 17

### **Amendment 73 – proposed by leuan Wyn Jones and Jocelyn Davies**

Schedule 7, page 116, line 19:

Leave out from "Regulation of" to "dominant position and".

### **Amendment 74 – proposed by leuan Wyn Jones and Jocelyn Davies**

Schedule 7, page 116:

Leave out lines 44 to 47.

### **Amendment 75 – proposed by leuan Wyn Jones and Jocelyn Davies**

Schedule 7, page 117.

Leave out lines 1 to 7.

### **Amendment 76 – proposed by leuan Wyn Jones and Jocelyn Davies**

Schedule 7, page 119:

Leave out line 2.

### **Amendment 77 – proposed by leuan Wyn Jones and Jocelyn Davies**

Schedule 7, page 119:

Leave out lines 38 and 39.

**Amendment 78 – proposed by Ieuan Wyn Jones and Jocelyn Davies**

Schedule 7, page 119:

Leave out line 42.

**Amendment 79 – proposed by Ieuan Wyn Jones and Jocelyn Davies**

Schedule 7, page 121, line 41 at end insert:

"Field 21. police, probation, and prison service."

**Amendment 80 - proposed by Ieuan Wyn Jones and Jocelyn Davies**

Schedule 7, page 121, line 41 at end insert:

"Field 22. energy."

**These amendments were grouped by the Presiding Officer for the purpose of discussion, but were voted upon separately.**

**Following discussion, the amendments were voted on as follows:**

**Amendment 72:**

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

**Amendment defeated.**

**Amendment 73:**

**Amendment withdrawn**

**Amendment 74:**

**Amendment withdrawn**

**Amendment 75:**

For: Ieuan Wyn Jones, Jocelyn Davies Mike German (3)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: Nick Bourne, David Melding (2)

**Amendment defeated.**

**Amendment 76:**

For: Ieuan Wyn Jones, Jocelyn Davies Mike German (3)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: Nick Bourne, David Melding (2)

**Amendment defeated.**

**Amendment 77:**

For: Ieuan Wyn Jones, Jocelyn Davies Mike German (3)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: Nick Bourne, David Melding (2)

**Amendment defeated.**

**Amendment 78:**

For: Ieuan Wyn Jones, Jocelyn Davies Mike German (3)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: Nick Bourne, David Melding (2)

**Amendment defeated.**

### **Amendment 79:**

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

**Amendment defeated.**

### **Amendment 80:**

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

**Amendment defeated.**

### **3.12 Amendment 19: proposed by the Welsh Liberal Democrats**

Clause 1(1) Page 1 Line 5 - Leave out from ‘an’ and insert ‘there is to be a Parliament for Wales to be known as the ‘Senedd’

**Following discussion, the amendment was voted on as follows:**

For: Mike German (1)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews, Nick Bourne, David Melding, (7)

Abstention: Ieuan Wyn Jones, Jocelyn Davies (2)

**Amendment defeated.**

### **3.13 Amendment 20: proposed by the Welsh Liberal Democrats**



Clause 1 Page 1 Line 7 – Leave out subsection (2)

**Amendment 81: proposed by leuan Wyn Jones and Jocelyn Davies**

Clause 1, page 1, leave out lines 8 and 9.

**Amendment 22: proposed by the Welsh Liberal Democrats**

Clause 1(3) Page 1 Line 12 – Leave out ‘Assembly’ and insert ‘Senedd’

**Amendment 23: proposed by the Welsh Liberal Democrats**

Clause 1(4) Page 1 Line 16 – Leave out ‘Assembly’ and insert ‘Senedd’

**Amendment 82: proposed by leuan Wyn Jones and Jocelyn Davies**

Clause 1, page 1, line 17 at end insert:

"(3A) The system of election shall be a single transferable vote system under which –

a vote is capable of being given so as to indicate the voter’s order of preference for the candidates, and

a vote is capable of being transferred to the next choice -

(i) when the vote is not required to give a prior choice the necessary quota of votes, or

(ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates."

**Amendment 24: proposed by the Welsh Liberal Democrats**

Clause 1(5) Page 1 Line 18 – Leave out ‘Assembly’ and insert ‘Senedd’

**Amendment 84: proposed by leuan Wyn Jones and Jocelyn Davies**

Clause 2, page 2, line 7:

Leave out "four" and insert "twelve".

**Amendment 83: proposed by leuan Wyn Jones and Jocelyn Davies**

Clause 2, page 2, leave out line 2.

## **Amendment 90: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Leave out Clause 8.

## **Amendment 91: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Leave out Clause 9.

These amendments were grouped by the Presiding Officer for the purpose of discussion, but were voted upon separately.

**Following discussion, the amendments were voted on as follows:**

### **Amendment 20:**

For: Ieuan Wyn Jones, Jocelyn Davies, Mike German (3)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews, Nick Bourne, David Melding (7)

Abstention: (0)

**Amendment defeated.**

### **Amendment 81:**

For: Ieuan Wyn Jones, Jocelyn Davies, Mike German (3)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews, Nick Bourne, David Melding (7)

Abstention: (0)

**Amendment defeated.**

### **Amendment 22:**

**This amendment fell as a result of amendment 19 being defeated.**

### **Amendment 23:**

**This amendment fell as a result of amendment 19 being defeated.**

**Amendment 82:**

**Amendment withdrawn.**

**Amendment 24:**

**This amendment fell as a result of amendment 19 being defeated.**

**Amendment 84:**

**Amendment withdrawn.**

**Amendment 83:**

**Amendment withdrawn.**

**Amendment 90:**

**Amendment withdrawn.**

**Amendment 91:**

**Amendment withdrawn.**

### **3.14 Amendment 21: proposed by the Welsh Liberal Democrats**

Clause 1 – insert new subsection ‘The Senedd is to consist of eighty members elected through the Single Transferable Vote from Multi- Member constituencies.’

**Following discussion, the amendment was withdrawn.**

### **3.15 Amendment 25: proposed by the Welsh Liberal Democrats**

Clause 2 Page 2 Line 2 – Leave out lines 1-12 and insert –

#### **2. Senedd Constituencies**

(1) The Senedd constituencies shall each be formed from more than one parliamentary constituency in Wales.

(2) Each Senedd constituency shall be comprised of, no more than one tenth and no less than one twenty-fifth of the eligible electorate of Wales.

(3) The parliamentary boundary committee for Wales shall periodically recommend Senedd constituencies.

**Following discussion, the amendment was withdrawn.**

### **3.16 Amendment 112: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Delete 2(1) replace with "the secretary of state shall, by Order, determine the Assembly constituencies"

**Following discussion, the amendment was withdrawn.**

### **3.17 Amendment 26: proposed by the Welsh Liberal Democrats**

Clause 4(5) Page 3 Line 14 – Leave out from ‘Secretary of State’ and insert ‘Senedd has passed a resolution in favour with at least two thirds of the Senedd Members voting to support it.’

**Following discussion, the amendment was withdrawn.**

### **3.18 Amendment 85: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Clause 4, page 2, line 40:

Leave out "seven", insert "twenty-one".

**Following discussion, the amendment was voted on as follows:**

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

**Amendment defeated.**

### **3.19 Amendment 86: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Clause 5, page 3, line 22 delete sub-clauses (a) and (b) and replace with the following words "if the Welsh Assembly Government loses a vote of confidence"

**Following discussion, the amendment was withdrawn.**

### **3.20 Amendment 27: proposed by the Welsh Liberal Democrats**

Clause 5(2)(b) Page 3 Line 23 – Leave out ‘seats’ and insert ‘Members voting’

**Following discussion, the amendment was voted on as follows:**

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

**Amendment defeated.**

### **3.21 Amendment 87: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Clause 5, page 3, line 34:

Leave out "seven", insert "twenty-one".

**Following discussion, the amendment was withdrawn.**

### **3.22 Amendment 28: proposed by the Welsh Liberal Democrats**

Clause 6(1) Page 4 Line 5 – Leave out from ‘two’ and insert ‘one vote which will be cast preferentially’

**This amendment was withdrawn.**

### **3.23 Amendment 29: proposed by the Welsh Liberal Democrats**

Clause 6 Page 4 Line 7 – Leave out lines 7-23

**This amendment was withdrawn**

### **3.24 Amendment 88: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Leave out clause 6.

**This amendment was withdrawn**

### **3.25 Amendment 13: proposed by the Welsh Conservative Group**

Clause 7. In para (5) delete subsection (c) and in para (6) delete subsection (c)

### **Amendment 30: proposed by the Welsh Liberal Democrats**

Clause 7 Page 4 Line 37 – Leave out (5)(c)

### **Amendment 31: proposed by the Welsh Liberal Democrats**

Clause 7 Page 5 Line 3 - Leave out (6)(c)

### **Amendment 89: proposed by Ieuan Wyn Jones and Jocelyn Davies**

Clause 7, page 4, line 36:

Leave out sub-clause (c)

**These amendments were grouped by the Presiding Officer for the purpose of discussion, but were voted upon separately.**

**Following discussion, the amendments were voted on as follows:**

#### **Amendment 13**

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Leighton Andrews (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

**Amendment defeated.**

#### **Amendment 30:**

**This amendment fell as a result of amendment 13 being defeated.**

#### **Amendment 31:**

**This amendment fell as a result of amendment 13 being defeated.**

**Amendment 89:**

**This amendment fell as a result of amendment 13 being defeated.**

**3.26 Amendment 32: proposed by the Welsh Liberal Democrats**

Clause 8 Page 5 Line 8 – Leave out.

**Following discussion, the amendment was withdrawn.**

**3.27 Amendment 33: proposed by the Welsh Liberal Democrats**

Clause 9 Page 5 Line 33 – Leave out. Insert new clause

**8. Elections and Franchise**

(1) This section applies to elections of members of the Assembly, including by-elections.

(2) Each vote in the poll at an election shall be a single transferable vote.

(3) A single transferable vote is a vote-

(a) capable of being given so as to indicate the voter's order of preference for the candidates for election as members for the constituency; and

(b) capable of being transferred to the next choice when the vote is not needed to give a prior choice the necessary quota of votes or when a prior choice is eliminated from the list of candidates because of a deficiency in the number of votes given for him.

**Following discussion, the amendment was withdrawn.**

**Committee Service**