

MINUTES OF MEETING

Date: Tuesday, 15 May 2001

Time: 9.00am

Venue: Room A3.13

Present: John Marek, Deputy Presiding Officer (Chair)
Andrew Davies, Minister for Assembly Business
Jocelyn Davies, Plaid Cymru Party Business Manager
William Graham, Conservative Party Business Manager
Kirsty Williams, Liberal Democrat Party Business Manager

Paul Silk, Clerk to the Assembly
David Lambert, OPO Legal Adviser
Andrew George, Clerk to the Business Committee
Marie Knox, Head of Committee Secretariat
Marion Stapleton, PS/Minister for Assembly Business
Alun Gruffudd, PS/Deputy Presiding Officer
Nerys Arch, Office of the Counsel General (agenda item 4)

1. Apologies & announcements

1.1 None

2. Minutes of the previous meeting

BC-145-01(final)

2.1 The minutes were presented to the Committee in their final format. Subject to one minor typing amendment it was agreed that they should be translated in readiness for publication. **Action: Chamber Secretariat.**

BC155-01(draft)

2.2 The minutes were presented to the Committee in draft. Some amendments were suggested which would be incorporated into the final version and presented to the Committee at its next meeting **Action: Chamber Secretariat**

3. Matters arising

3.1 **Paragraph 3.1** – Marie Knox reported that arrangements were now in place to hold an alternative plenary session on Wednesday 27th June due to the General Election being held on 7th June. It was probable that the Audit, Standards and House Committees would now be meeting on Thursday 28 June.

3.2 **Paragraph 3.3** – The Chair said that he had informed the Panel of Chairs about arrangements for Ministers bringing draft legislation to subject committees' attention. The Panel would be discussing relevant procedures in more detail at a future meetings.

3.3 **Paragraph 4.2** – The Minister for Assembly Business asked why there had been a delay in the determination coming forward on the Inspection of Education and Training (Wales) Regulations 2001. He also felt that the other Business Managers should have been informed of the outcome of the determination as a courtesy. He noted that the previous Deputy Presiding Officer had reflected the views of the Committee in making her determinations. The Chair said that he felt that there had not been a firm recommendation on the determination at the previous week's meeting. The understanding from that meeting was that the Chair of the Education Committee might not have been aware of the situation regarding the Order and he had therefore sought his advice before making his determination. He understood that Presiding Office officials had informed the Business Unit of his decision to send the Order to committee immediately and in good time for the Minister to announce the determination in his Business Statement in Plenary that afternoon.

3.4 Jocelyn Davies said that any delay in making the determination could have been avoided if the Order had come to the Business Committee at an earlier stage. She would have liked the Order to go to committee for consideration but the Committee had been advised that this would have been difficult due to the time scale for making the order and the full agenda of the subject committee. Marie Knox said that subject committee clerks receive many queries in relation to agendas but that formal requests would have to be put to the Chair. The Committee agreed that the Panel of Chairs should be asked to advise the Business Committee on the most appropriate procedure for consulting committees on Orders and related determinations. The Minister for Assembly Business noted that these issues would become less important when Ministers were able to bring forward a programme of draft legislation to their subject committees. **Action: Chair to raise with Panel of Chairs and report back**

4. Subordinate legislation

The Common Agriculture Policy (Wine) (Wales) Regulations 2001 (BC134-01 sent to Business Committee for 1 May meeting)

4.1 Nerys Arch said that the Counsel responsible for drafting the above order had advised her that the Carmarthenshire and Gwynedd regions had been excluded from the "Specified Regions" referred to in the Order. A memorandum of corrections accompanying the Order would now ensure that these regions would be included. The Chair asked why the "Specified Region" couldn't be the whole of Wales. Nerys Arch said that wine producing regions were defined in the Order according to local authority boundaries.

The Education (School Government) (Wales) Regulations 2001 (BC151-01 sent to Business Committee for 8 May meeting)

4.2 Nerys Arch said that she had informed the Assistant Counsel General of the Chair's concern about the layout of these and similar regulations. He would pass on the Chair's views to the Counsel General. She explained that many Orders were reprinted with the amendments included. However, there were some occasions where lengthy Orders (120 pages in this case) could not be re-drafted in this way in the time available because of a lack of resources, mainly to translate the final document into Welsh. The Chair said that the National Assembly should aim to publish legislation that was readily understandable to the layperson, especially when, as in this case, it would be important for schoolteachers and governors. He asked whether it was possible for the amendments to be incorporated in the original Regulations and the resulting document placed on the Internet. Nerys Arch would investigate whether this was possible. **Action: Nerys Arch to report back next week.**

The Central Rating List (Wales) (Amendment) Regulations 2001

4.3 The Business Committee noted paper BC157-01 that provided advice from Edwina Hart, Assembly Minister for Finance, Local Government and Communities on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the accelerated procedure. **The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Children (Leaving Care) Act 2000 (Commencement) (Wales) Order 2001

4.4 The Business Committee noted paper BC158-01 that provided advice from Jane Hutt, Assembly Minister for Health and Social Services on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the standard procedure. **The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Children (Leaving Care) (Wales) Regulations 2001

4.5 The Business Committee noted paper BC159-01 that provided advice from Jane Hutt, Assembly Minister for Health and Social Services on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the standard procedure. **The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Gelatine (Intra-Community Trade) (Wales) Regulations 2001

4.6 The Business Committee noted paper BC160-01 that provided advice from Jane Hutt, Assembly Minister for Health and Social Services on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the accelerated procedure. **The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001

4.7 The Business Committee noted paper BC161-01 that provided advice from Jane Hutt, Assembly Minister for Health and Social Services on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the accelerated procedure. **The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

4.8 The Chair asked why the Order had not been posted to the Intranet until 10th May. Marion Stapleton said that she would investigate and report back next week. **Action: Marion Stapleton to report back on late posting to Intranet at next week's meeting.**

5. Advice to Assembly on procedures

Tabling During Whitsun Recess

5.1 The Committee were content with the proposed arrangements for tabling business during the Whitsun Recess as set out in paper BC165-01.

Consideration of Petitions Addressed to the Assembly

5.2 The Committee considered paper BC166-01 which proposed a procedure to enable the Assembly to debate petitions. Jocelyn Davies said that petitions were sent to individual AMs as well as the Assembly as a whole and that there was no formal mechanism to consider whether or not they might be debated. She suggested that the matter should be referred to the Assembly Review of Procedures.

5.3 The Minister for Assembly Business said that guidance on petitions had been issued by the Presiding Office in conjunction with the Business Committee. Andrew George said that the Presiding Office had a role in publishing petitions via the Votes and Proceedings and maintaining a list of petitions on the Intranet. However the purpose of the paper had been to go

beyond the guidance in order to propose a mechanism to enable Members to bring petitions forward for debate. The Chair agreed that the Assembly Review of Procedure group was the correct forum to discuss the issue. He asked whether the current guidance could be revisited and referred, via himself, to that group. **Action: Chamber Secretariat to re-issue guidance and the Deputy Presiding Officer to refer it to the Assembly Review of Procedure for discussion.**

Late Withdrawal of Assembly Questions

5.4 The Minister for Assembly Business raised his concerns over the late withdrawal of oral questions to Ministers which were clearly not going to be reached in Plenary. Officials were wasting time in preparing answers to those questions. He made a plea to Business Managers to ask Members in their Group to withdraw questions as soon as possible after the shuffle. Jocelyn Davies suggested that an additional tick box could be placed on the tabling form to indicate whether or not the Member wished to withdraw the question. It was agreed that the Table Office would implement this change after the Recess. **Action: Secretariat to ask the Table Office to implement this change**

6. Committees

6.1 The committee considered and agreed a request for an additional meeting of the Environment, Planning and Transport Committee (BC162-01).

7. Forthcoming business

This week's business

7.1 The Committee considered paper BC163-01, which detailed the Assembly's agreed business for the week. The Minister for Assembly Business said that there would not be a statement on the Foot and Mouth situation this week as indicated by the Minister for Rural Affairs in last week's update. William Graham said that his group had opposed the decision during last week's statement and asked if the Minister for Business could ask the Minister for Rural Affairs to reconsider his decision. The Minister for Assembly Business said he would relay the request. William Graham also asked the Minister for Assembly Business if a statement on the position of the Deputy First Minister with regard to the WJEC was planned. The Minister said that nothing was envisaged.

7.2 There were no statements envisaged for Thursday's plenary session. Marie Knox referred to the debate on committees forward work programmes and SO9.9 reports and said that the Health and Social Services Committee would be included in the motion on Thursday and not that afternoon as noted in the previous paper on the subject. The Minister for Business said that he would formally move the motion but the Administration would not respond to the debate. Marie Knox said it was the Panel of Chairs' view that contributions to this debate should be based on cross-cutting issues to save

time and asked Business Managers to relay this plea to group Members.

Action: Business Managers to raise at group meetings

7.3 The Minister for Assembly Business expressed his disappointment that Plaid Cymru had tabled a motion for a minority party debate that in his view, was related to the General Election, despite the statement made by the Presiding Officer that there should be no electioneering in the National Assembly. Jocelyn Davies said that the motion was concerned with matters related to Wales and the National Assembly and her Party had tabled similar motions in the past.

7.4 The Committee considered the draft business statement (BC164-01).

Proposed business for the weeks commencing 22nd May, 5th and 12th June

7.5 The Committee's advice to the Minister for Assembly Business on his proposed statement about the organisation of the Assembly's business for the weeks commencing on the 22nd May, 5th and 12th June was that it should proceed as outlined in the draft business statement.

7.6 The Minister for Assembly Business said that to comply with Standing Orders, oral questions to the Minister for Finance, Local Government and Communities (on finance) and the Minister for Economic Development would take place on 5 June because the plenary session for 7 June had been postponed. He confirmed that he would be timetabling oral questions to himself once the changes to Standing Orders had been made.

8. Matters referred from plenary

None

9. Revisions to Standing Orders

None

10. Presiding Officer rulings

None

11. Any other business

None

CHAMBER SECRETARIAT