



Proposed amendments to Standing Order 18 in relation to Membership of the Public Accounts Committee

Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.
2. The report recommends an amendment to Standing Order 18. The changes agreed by Business Committee are found in Annex A, and the proposal for a new Standing Order at Annex B.

Background

3. At its meeting on 25 September, the Business Committee considered a paper outlining options for amending Standing Order 18 regarding the membership of the Public Accounts Committee.
4. Having consulted with the Public Accounts Committee and the Auditor General for Wales, the Business Committee returned to the issue at its meeting on 9 October.

Current Provisions

Government of Wales Act 2006

5. The Act, in Section 30(3) states that no *current* members of the Government may be members of the Audit Committee (now referred to

as the Public Accounts Committee). This limitation is reflected in Standing Orders 18.5 and 18.7.

Standing Orders

6. Standing Order 18.8 goes further than the provisions of the Act by placing constraints on participation by former members of the Government:

No member of the Committee may participate in its consideration of any matter if he or she was at the relevant time a member of the government.

7. While not precluding former Ministers from being members of the committee as such, in practice the nature of the issues that the Public Accounts Committee considers would make it difficult for anyone who was a member of the Government during the Third Assembly to sit on the committee. Regular substitutions would likely be required.

8. Standing Order 18.9 places a similar restriction on former members of the Commission or House Committee in relation to matters relevant to those bodies.

9. No such restriction on participation by former Ministers exists either in the Scottish Parliament or the House of Commons.

Proposals for change

10. The restriction as it currently stands has proved problematic in that it limits groups' flexibility when allocating Members to committees. The Business Committee therefore considered two options for relaxing the provision;

(1) remove the restriction completely

(2) relax the restriction so that a Member may not participate in consideration of any matter where they were the Minister directly responsible for the matter at the time.

11. The Business Committee agreed that option 2 was preferable, allowing as it does for the restriction to be relaxed which will allow former Ministers to be members of the Public Accounts Committee while continuing to prevent them from being involved in the scrutiny

of a matter for which they were *directly* responsible. In their responses to the Committee, both the Public Accounts Committee and the Auditor General for Wales also expressed a preference for this option.

12. If Standing Order 18 is amended as proposed, it would be the responsibility of the Member in question to identify if a situation arose where it applied to them and, where appropriate, to make the necessary arrangements for a substitution under Standing Order 17.48.

Decision

13. The Business Committee agreed the changes to Standing Orders on 9 October and the Assembly is invited to approve the proposal as at Annex B.

Annex A

STANDING ORDER 18 – Public Accounts Committee		
Membership		
18.5	Standing Orders 17.3 and 17.7 apply to the Committee except that it must consist of no fewer than 5 Members and no more than 10 Members and no person specified in section 30(3) of the Act may be proposed as a member of it.	No amendment This Standing Order is included here for ease of reference.
18.6	Standing Order 17.21 applies to the Committee, except that it must not be chaired by a Member who is a member of a political group with an executive role.	No amendment This Standing Order is included here for ease of reference.
18.7	Standing Order 17.48 applies to the Committee, except that no person specified in section 30(3) of the Act may be nominated as a representative.	No amendment This Standing Order is included here for ease of reference.
18.8	No member of the Committee may participate in its consideration of any matter if he or she was at the relevant time a <u>the member of the government directly responsible for that matter</u> .	Amend this Standing Order The proposed amendment will relax the limitation so that it applies only to a former member of the government who was directly responsible for the matter under consideration.
18.9	No member of the Committee may participate in its consideration of any matter which was within the responsibility of the House Committee (as constituted between 18 December 2002 and 2 May 2007), or is within the responsibility of the Commission, if he or she was at the relevant time a member of the House Committee or the Commission.	No amendment If this option is preferred, no change is proposed to this Sanding Order.

Annex B

STANDING ORDER 18 – Public Accounts Committee

Membership

- 18.5 Standing Orders 17.3 and 17.7 apply to the Committee except that it must consist of no fewer than 5 Members and no more than 10 Members and no person specified in section 30(3) of the Act may be proposed as a member of it.
- 18.6 Standing Order 17.21 applies to the Committee, except that it must not be chaired by a Member who is a member of a political group with an executive role.
- 18.7 Standing Order 17.48 applies to the Committee, except that no person specified in section 30(3) of the Act may be nominated as a representative.
- 18.8 No member of the Committee may participate in its consideration of any matter if he or she was at the relevant time the member of the government directly responsible for that matter.
- 18.9 No member of the Committee may participate in its consideration of any matter which was within the responsibility of the House Committee (as constituted between 18 December 2002 and 2 May 2007), or is within the responsibility of the Commission, if he or she was at the relevant time a member of the House Committee or the Commission.