

Vaughan Gething MS
Minister for Economy

28 July 2022

Dear Vaughan

Legislative Consent: UK Government's Trade (Australia and New Zealand) Bill

At our respective meetings on the 6 July and 11 July, we considered the Welsh Government's Legislative Consent Memorandum (the Memorandum) on the Trade (Australia and New Zealand) Bill (the Bill). The Committees agreed that we should write to you seeking clarification on a number of matters. We would be grateful for a response from you by 5 September 2022 to the following questions:

1. What changes would the Welsh Government need to see made to the Bill in order to be able to recommend that the Senedd give its consent to the Bill?
2. Could you indicate whether you have received a response to your letter to the UK Government of 16 May and, if so, whether a copy or details of the response can be shared with the Committees?
3. Could you clarify whether discussions are ongoing with the UK Government with regard to amendments being tabled to the Bill which address your concerns?
4. Have you engaged the new intergovernmental relations arrangements to resolve matters of concern?
5. Could you outline your views in relation to the suitability and necessity of the regulation making powers in clause 1 of the Bill enabling the UK Government to make regulations reflecting the content of the FTAs as they may be amended in the future, meaning that such powers could be used to a currently unknown effect at a later date?

6. Under what circumstances would you accept the inclusion of concurrent-plus regulation making powers in the Bill?
7. We are concerned that the approach taken to the use of concurrent powers in this Bill risks setting a precedent for future legislation for future trade agreements. Can you confirm whether any discussions have taken place with the UK Government in this regard?
8. Can you indicate whether you consider that clause 4 and Schedule 2 paragraph 4 of the Bill require the consent of the Senedd?
9. Can you confirm whether there are any indirect financial implications for the Welsh Government, the Senedd or Wales arising from the Bill?
10. This legislation is time-critical and you have said that there is insufficient time available to bring forward an equivalent Bill in the Senedd. What were the barriers to introducing an Emergency Bill, which would have overcome the inclusion of concurrent powers in the Bill?
11. Paragraph 10 of the Memorandum states that the Bill is to be repealed by an order under the Procurement Bill but that does not appear to be the case. Please can you therefore clarify the process by which the Bill will be repealed and whether there is any role for the Welsh Government and the Senedd?

Yours sincerely,



Mark Isherwood

Chair, Public Accounts and Public Administration Committee



Huw Irranca-Davies

Chair, Legislation, Justice and Constitution Committee