

National Assembly for Wales
The year in review

Annual report
2009 - 2010

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

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Introductions

Foreword from the Llywydd

This has been a year of delivery for the National Assembly – delivering a legislative programme, involving the people of Wales in our work, and scrutinising the Government’s policies and legislation.

The core objectives of the National Assembly this year have been to create a more open and transparent system of democracy in Wales as well as encouraging more people to get involved in the democratic process.

The successful delivery of these objectives demonstrates the Assembly’s commitment to creating a more transparent system of governance in Wales that engages the Welsh electorate and will help restore trust in politics.

In a year that saw Westminster rocked to its foundations by allegations of sleaze by its elected members, I am proud that the Assembly has dealt with this challenge head on.

All 108 recommendations contained in an independent review panel’s report on Assembly Members’ pay and allowances are already being implemented.

As chair of the Assembly Commission, I had the honour of sponsoring the subsequent Remuneration Measure through the Assembly, as we prepare to legislate to create an independent remuneration panel that will have the responsibility for Assembly Members’ pay. Once established, Assembly Members will no longer have any involvement in setting their own salaries and allowances, a central tenet in providing a system that is not only fair and transparent, but will also deliver value for money to the people of Wales.

In a year that marked the tenth anniversary of devolution, I was proud to witness how we have matured as a legislature and met the challenges of scrutinising new laws. Our legislation committees have scrutinised and passed 15 separate laws in the past year. Such maturity sets a firm foundation for a period which will offer, through a referendum, the opportunity for people to make an informed choice on the future of law-making in Wales.

We have developed opportunities for greater engagement with citizens in Wales. In March, we re-opened the iconic Pierhead building in Cardiff Bay, and it has been such a remarkable visitor attraction that 40,760 people have visited in the four-month period since its opening.

We marked the re-opening with the Pierhead Sessions. The aim was to offer people an opportunity to discuss the big issues of the day ranging from constitutional questions to the future of the environment.

I was also hugely encouraged by the impact of our innovative Step-Up Cymru programme that gave the chance to under-represented people from ethnic and minority groups to get involved in the democratic process.

The review of the provision of bilingual services in the National Assembly, conducted by an independent panel chaired by Arwel Ellis Owen, has committed us to creating a more citizen-friendly and accessible record of proceedings, as well as helping us achieve our objective of becoming a truly bilingual organisation.

On 9 February, the Assembly voted unanimously for a referendum on whether it should be granted further legislative powers. We look forward to the opportunity to be a source of impartial information to enable the people of Wales to make informed decisions in the Assembly election in May 2011, and in the referendum.

As we look to the future, we must recognise the tough economic conditions facing us, and the budgetary implications these will have on public services in Wales. The Assembly Commission will work within the constraints of public expenditure in Wales with imagination, and a commitment to prudent use of our resources to ensure that the National Assembly continues to deliver services that are worthy of the legislature for Wales.

The Rt Hon the Lord Elis-Thomas PC AM
Llywydd of the National Assembly for Wales

Introduction from the Chief Executive

This year was special because it was the tenth anniversary of devolution and the establishment of the National Assembly for Wales. Because of this, the Annual Report provides not only an overview of the past year, but also a look back at the Assembly's legislative achievements over the past decade.

The Government of Wales Act 2006 created the National Assembly for Wales Commission, responsible for the provision of property, staff and services to support the Assembly. There are around 360 Assembly staff, made up of teams supporting the formal legislative and scrutiny business of the Assembly in Plenary and committee. These include researchers, translation, interpretation and reporting staff, legal advisers, visitor services and outreach staff, educational experts and communications professionals and those in operational support services such as security, accommodation, HR, finance and ICT. All support the effective day-to-day running of the Assembly.

Since the start of the Third Assembly in May 2007, the roles and responsibilities of many of our staff have changed. The staff's success in meeting these new challenges was reflected in the confidence with which Assembly Members, in February 2010, were able to vote unanimously to hold a referendum on transferring wider law making powers to the Assembly. I do not believe that they would have contemplated doing so if they had not been certain of our staff's ability to provide the practical support that such a move would require.

So I want to use the Assembly's legislative process as an example of how people right across the organisation have risen to the challenges of the Third Assembly, and how their performance has often far exceeded expectations.

Legislation and Chamber Services advise Members directly on all aspects of the legislative process. This involves the scrutiny of Legislative Competence Orders (Orders) and the general principles of Measures; detailed amendment and scrutiny of Measures in committee and in Plenary; scrutiny of subordinate legislation; and the development of legislative proposals by individual Members and committees. Staff members have quickly attained an extremely high level of expertise in the legislative procedure, and Members now receive the best quality advice on all aspects of the legislative process.

Other parts of the Assembly work closely with the Legislation and Chamber Services in the Assembly's role of making laws for Wales. These include Legal Services, Committee Service and the Members' Research Service – all teams comprising staff with a high degree of professional expertise and specialist subject knowledge. Another feature of our legislative process is that it is bilingual at all stages, and relies heavily on the efficiency and skill of our Translation and Reporting Service.

Staff from all these service areas also work closely with Members and

committees in bringing forward their own legislative proposals; they provide policy advice, draft proposed legislation, draw up necessary explanatory and financial memoranda and support them extensively throughout our legislative process.

The Members' Research Service also provides an extensive monitoring service that follows the progress of Orders, Measures and UK legislation affecting Wales as well as the most up-to-date and detailed consolidated material available anywhere on the development of the Assembly's legislative competence. These monitoring services are available to the public and external organisations as well as Members, as our responsibility to inform and engage the people of Wales is part and parcel of our role in enabling robust scrutiny of the legislation itself.

The quality of the other services provided by the Assembly – ICT; our open and accessible public buildings including the Senedd and the Pierhead; our external communications and education service; and supporting the Assembly's role of holding the Government to account for its policy and spending decisions – are also crucial to informed debate and the effective consideration of legislation. We have significantly enhanced our capacity and quality of service in all of these areas in the lifetime of the Third Assembly.

As a result, the Assembly's staff is fully-equipped either for a continuation of the status quo or alternatively for the transfer, in one go, of law-making powers in devolved areas, depending on what the Welsh electorate decide in a referendum.

The year's achievements are significant, and took place at a time when public funding was coming under increased pressure. They are a testament to the professionalism and dedication of our staff. Through the skills and commitment of our staff, our emphasis on strong corporate governance, and pulling together as one team, I believe we have been able to strike the right balance between the delivery of high quality core services and value for public money. I am proud to have been part of that team.

Claire Clancy

Chief Executive and Clerk of the Assembly

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| 122,910 | The number of visitors to the Senedd during the year. |
| 17 | The average number of applications for every job advertised by the Assembly. |
| 5 | The Green Dragon Level retained by the Assembly as a result of an ongoing improvement programme. The Assembly is one of only 11 organisations in Wales to hold this accreditation. |
| 18,865 | The number of telephone enquiries received by the Assembly. |
| 64 | The number of Plenary sessions held during the year. |
| 18 | The per cent reduction in the Assembly's travel emissions as a result of significant reductions in air travel, the introduction of a low-emission pool car and a new low-carbon car hire contract. |
| 11,653 | The number of people who visited the Arts and Crafts exhibition held in the Senedd during the Urdd Eisteddfod. |
| 303 | The number of Assembly committee meetings streamed live on Senedd.tv. |
| 248 | The number of events held on the Assembly estate. |
| 4,222 | The number of oral questions tabled. |
| 1,000 | The number of responses the Children and Young People Committee received as part of its inquiry into safe places to play and hang out. |
| 885 | The number of questions tabled to the First Minister. |
| 528 | The number of schools from across Wales who visited the Assembly. |
| 1,744 | The number of followers the Assembly has on Twitter. |

Major milestones in the tenth year of devolution

April 2009

The Assembly's major consultation with Members, staff and other stakeholders on how the Assembly can optimise use of information and communications technology to better engage with the people of Wales continues. Work begins on changes to our IT networks, and hardware and software is identified to ensure technology fully supports the Assembly's work.

May 2009

The Assembly's drive for greater participation in the democratic process steps up a gear with the launch of the Assembly's multimedia outreach bus, which enables people across Wales to learn more about how the Assembly works, leave video messages for Assembly Members and provide evidence to Assembly committee inquiries.

June 2009

The Sustainability Committee undertakes an inquiry into flooding in Wales. To ensure it hears about what actually happens to communities during a flood, it invites people to submit their stories, photos and videos as evidence. In addition, the Committee uses the Assembly bus and holds a series of public meetings around Wales to hear directly from those areas that had been flooded. The Committee produces a short video from the recorded 'voxpops' and the report, published in February 2010, is well received by the Welsh Government.

June 2009

A public online log of Assembly Members' expenses claims is launched on the National Assembly website allowing everyone to see, at the click of a mouse, what expenses their Assembly Members are claiming. Over 2,000 people view the pages within 24 hours of their going live.

July 2009

The results of a comprehensive and far-reaching independent review of Assembly Members' pay and allowances for travel, accommodation, funding for constituency and regional offices and support staff are presented to the Assembly's Llywydd (Presiding Officer) and Assembly Commissioners. The Assembly Commission accepts all 108 recommendations contained in the Getting It Right for Wales report. Implementation begins immediately.

July 2009

The National Assembly, in conjunction with the Welsh Local Government Association and the Welsh Government, launch Step Up Cymru, a scheme to encourage under-represented groups to engage in the democratic process.

August 2009

The Children and Young People Committee runs the It's All About You project, designed to get young people's views on the issues that matter to them. Ballot papers are distributed at various fairs and events and more than 2,700 children and young people use them to state that the environment causes them the most concern; safe places to play and hang out are the second major concern. As a result, the Committee writes to the Welsh Government and launches an inquiry into the provision of safe places for children to play.

October 2009

The Senedd becomes one of the UK's most energy efficient public buildings when its Display Energy Certificate rating is upgraded from a 'C' to a 'B'.

October 2009

Assembly Members back a new law that will strengthen the role of the Assembly's Commissioner for Standards with the introduction by Jeff Cuthbert AM, Chair of the Assembly Committee on Standards of Conduct, of the National Assembly for Wales Commissioner for Standards Measure.

November 2009

Following a number of widely reported incidents, the Health, Wellbeing and Local Government Committee reports on its inquiry into the use and regulation of sunbeds. The Committee recommends that the Welsh Government should seek the legislative powers to introduce legislation in this area. The Minister gives a commitment to do so, depending on the outcome of a private member's bill which was progressing through the Houses of Parliament at the time.

December 2009

The Commonwealth Parliamentary Association Wales Branch officially marks and celebrates the 60th anniversary of the modern Commonwealth, an event which is attended by over 130 invited guests from over 30 Commonwealth countries.

December 2009

An independent panel begins reviewing the provision of bilingual services by the National Assembly for Wales, as part of the Assembly's strategic goal of being a "truly bilingual institution".

January 2010

The National Assembly for Wales is ranked 47th in the top 100 gay-friendly places to work in the UK, according to the Workplace Equality Index, produced by equal rights organisation Stonewall. Last year the National Assembly for Wales was placed 73rd in the index.

February 2010

Members of the National Assembly for Wales vote in favour of a referendum on the legislative powers of the Assembly. The motion, recommending a referendum, is proposed by the Welsh Government, following the report of the All Wales Convention, published in November 2009. More than the 40 Assembly Members needed to "trigger" the request for a referendum vote in favour of the motion.

March 2010

Following months of extensive refurbishment, the landmark redbrick Pierhead building on the National Assembly's Cardiff Bay estate re-opens its doors to take on its new role as a unique events and visitor attraction. Its opening is celebrated with the inaugural Pierhead Sessions with a line-up that includes environmentalist George Monbiot and political journalists Kevin McGuire and Andrew Pierce.

March 2010

The Assembly's European and External Affairs Committee holds a formal meeting in Brussels - the first time the Committee has met formally with all four Welsh MEPs to discuss European matters of importance to Wales.

Key priorities for the forthcoming year

The forthcoming year will see the National Assembly operating in a more constrained financial climate than has recently been the case.

Our priorities therefore will be to:

- establish the Assembly as an authoritative and impartial source of information on how the referendum on changes to the Assembly’s law-making powers will affect the people of Wales;
- prepare for the Fourth Assembly election – the first time that the Assembly will be dissolved before an election;
- maximise the potential of the Pierhead as a place for debate and discussion to inform, involve and inspire the people of Wales;
- enhance the Assembly’s online presence and other communications channels so that our communications remain commensurate with our standing as the Welsh legislature;
- implement the recommendations of the independent panel which reviewed the bilingual services provided by the Assembly;
- implement all 108 recommendations from the Getting it Right for Wales review of Assembly Members’ pay and allowances by May 2011;
- complete a review of the Assembly’s information technology infrastructure, including the introduction of a system that will make the Assembly’s work and supporting documents and information more accessible to the public; and
- ensure that the operational tempo of the Assembly’s legislative, scrutiny and representative roles are not adversely affected by a more constrained financial climate.

The National Assembly for Wales

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

Assembly Members

The Assembly is made up of 60 elected Assembly Members, who each represent a specific area of Wales as a member of a particular party (Conservative, Labour, Liberal Democrat, Plaid Cymru) or as an independent member.

The National Assembly Commission

The Assembly Commission was established in May 2007 to ensure that the Assembly is provided with the property, staff and services required for the Assembly to carry out its role effectively and efficiently.

The Commission is the Assembly's corporate body, and sets its strategic aims, objectives, standards and values, considers performance against their delivery, oversees change and encourages innovation and enterprise for the National Assembly.

The National Assembly Commission consists of the Llywydd, plus four other Assembly Members, one nominated by each of the four party groups. The five Commissioners are accountable to the National Assembly for the Commission's functions. To help with the delivery of these functions the Commissioners are responsible for cross-cutting portfolios. You can find out more on the Commission's pages on the website.

National Assembly Management Board

Claire Clancy Chief Executive and Clerk of the Assembly

Dianne Bevan Chief Operating Officer
Non Gwilym Head of External Communications
Steven O'Donoghue Head of Assembly Resources
Connie Robertson Head of Estates and ICT

Adrian Crompton Director of Assembly Business
Sulafa Halstead Head of Assembly Committees
Mair Parry-Jones Head of Translation and Reporting Service
Kathryn Potter Head of Members' Research Service
Siân Wilkins Head of Legislation and Chamber Service

Keith Bush Director of Legal Services

Ian Summers Head of Corporate Unit

Craig Stephenson Head of Change Programme

An emergent legislature – ten years of devolution

The past year saw the National Assembly for Wales mark ten years of devolution in Wales. To mark the occasion, we look back on a decade that saw the Assembly develop into a robust and mature legislature for Wales.

How the National Assembly for Wales was created

In May 1997, the UK elected a Labour Government with a stated manifesto commitment of creating a devolved assembly in Wales. Shortly after, the Secretary of State for Wales published a White Paper, *A Voice for Wales*, which set out proposals for a national assembly for Wales.

In September 1997, a referendum was duly held in Wales, where people were invited to vote on the future of devolution for our country. Following the referendum's positive outcome, the National Assembly for Wales was created by the Government of Wales Act 1998.

On 6 May 1999, the elections for the first Assembly were held, and the Secretary of State for Wales transferred powers and responsibilities to the Assembly on 1 July 1999. This marked the first step in what has been an exciting and sometimes challenging journey for the Assembly.

When it was first created, the National Assembly for Wales had no powers to make laws, unlike the Scottish Parliament. Instead, it was given specific powers to make what was known as subordinate legislation, which was usually concerned with detailed changes to the law made under powers from an existing Act of Parliament. These laws could be made in certain areas, such as agriculture, health and education, and the majority of these powers were delegated to Welsh Ministers.

Additional powers to make secondary legislation were given to the Assembly through various Acts of Parliament.

The Assembly Review of Procedure

In July 2000, just over a year after the Assembly was established, the First Minister announced that a group of Assembly Members representing all political parties would be set up to review the Assembly's procedures.

The group's report recommended, and the Assembly agreed, that there should be – as far as possible under the terms of the Government of Wales Act 1998 – a separation between the legislature and the executive. So, less than two years after the creation of the Assembly it began to resemble, in operational terms, the legislature that it is today.

The Richard Commission

In 2002, the First Minister announced the creation of the Richard Commission

(named after the chair, Lord Richard) to consider the Assembly's powers. The Commission recommended there should be a legislative Assembly in Wales (similar to the Scottish Parliament) with primary law-making powers in all, except reserved, matters. It also recommended that the structure of the Assembly be reconstituted with a separate legislature and executive.

Following a debate on the Commission's report in Plenary, the Assembly called on the First Minister to make representations to the Secretary of State for Wales to amend the Government of Wales Act 1998 to give effect to the Commission's recommendations.

There was limited movement on these recommendations until 2005 when the Labour Party manifesto for the May 2005 general election included a commitment that devolution would be further developed in order to create a stronger Assembly with enhanced legislative powers and a reformed structure.

Better Governance for Wales White Paper

In June 2005, the *Better Governance for Wales White Paper* was published by the Secretary of State for Wales. It included proposals for enhanced powers as well as a proposed transfer of primary legislative powers over all devolved issues direct to the Assembly at an unspecified point in the future.

The White Paper also included a pledge that until the proposals it contained were given effect through the passing of an Act of Parliament, the UK Government would draft Bills in a way which would give the Assembly wider and more permissive powers to decide the detail of how policies should be implemented in Wales. These were known as 'framework powers', and gave the Assembly additional powers to make secondary legislation.

On 28 June 2005, the Assembly set up the Committee on the *Better Governance for Wales White Paper* to consider and report on the proposals it contained. The Committee's recommendations focused mainly on governance and operational issues in relation to the new Assembly. The report was sent to the Secretary of State for Wales as the Assembly's formal response to the White Paper seeking to influence the drafting of the parliamentary Bill (ie the Government of Wales Bill) which would give effect to the proposals contained in the White Paper.

The Assembly today

The Government of Wales Act 2006 came into effect in May 2007 and marked a significant milestone in the Assembly's history, changing the legislative landscape of Wales. It created a new Assembly; a fully-fledged legislature with the power to make laws for Wales (known as Assembly Measures) in certain areas, and provided a means for the Assembly to gain further powers from the UK Government in devolved areas of legislative responsibility.

Legislative achievements during the Third Assembly

The newly constituted Assembly soon began to make use of its enhanced powers. Less than two months after the Assembly elections, the first ever proposed Assembly Measure, the proposed NHS Redress (Wales) Measure, was brought forward by the Welsh Government and referred to a committee for scrutiny.

Having successfully completed its passage through the Assembly, on 6 May 2008, the proposed NHS Redress Measure was approved by the Queen and officially became law – the first Welsh law to be passed since the 10th century.

Since May 2007, 11 proposed Measures have been brought forward by the Welsh Government, of which six have already become law. The remaining five are currently progressing through the Assembly or are waiting to be approved by the Queen. The majority of these new laws have been to legislate in the areas of education, health and social care, and local government.

In order to legislate in specific areas over which the Assembly did not already have the necessary power, the Welsh Government has brought forward 14 proposed Legislative Competence Orders (Orders), of which eight have been made, further extending the powers of the Assembly. The remaining five Orders are currently progressing through the Assembly or the UK Parliament, or are waiting to receive Royal Approval from the Queen.

First successful Legislative Competence Order

In June 2007, the Minister for Education, Culture and the Welsh Language laid before the Assembly the first ever proposed Legislative Competence Order, in relation to additional learning needs. In July 2007, the Assembly set up a committee to consider and report on the proposed Order. The draft Order was approved by the Assembly in February 2008, was subsequently approved by both Houses of Parliament, and was made by the Queen in April 2008.

Of the Orders brought forward by the Welsh Government that have been made to date, seven have given rise to proposed Measures, three of which have already been approved and the remaining four are currently being considered by the Assembly or are awaiting Royal Approval.

First Legislative Competence Order to give rise to an Assembly Measure

In November 2007, the Deputy Minister for Social Services laid before the Assembly a proposed Legislative Competence Order, in relation to charging for domiciliary care. In December 2007, the Assembly set up a committee to scrutinise the proposed Order. In carrying out its work, the Committee worked with the House of Commons Welsh Affairs Select Committee, holding a joint scrutiny session in Cardiff Bay to take evidence from the Deputy Minister. The draft Order was approved by the Assembly in May 2008, was subsequently approved by both Houses of Parliament, and was made by the Queen in July 2008.

It was as a result of this Order that the Welsh Government was able to bring forward the proposed Social Care Charges (Wales) Measure, which, following

successful completion of all stages of the Assembly's legislative process, became law in March 2010.

Ballots for legislative proposals

The Assembly's Standing Orders provide individual Assembly Members with an opportunity to introduce their own legislative proposals following success in a ballot held by the Llywydd.

Since 2007, 11 ballots have been held (three in 2007, four in 2008, three in 2009, and one in 2010 so far). These have given rise to 20 proposals, which have led, to date, to the introduction of two proposed Orders and three proposed Measures.

Of the proposals introduced, one Order (relating to the provision of mental health services) has been made and one Measure (Healthy Eating in Schools (Wales) Measure 2009) has been approved. This is of particular significance; in other parliaments it is unusual for Member-led legislation to progress to the point where it becomes law.

First Member-proposed Legislative Competence Order to be made by the Queen

In October 2007, Jonathan Morgan AM was successful in a ballot held by the Llywydd to introduce a proposal to add to the Assembly's legislative competence. Following the agreement of the Assembly in Plenary in February 2008, Jonathan Morgan AM laid his proposed Legislative Competence Order, in relation to the provision of mental health services. In the same month, the Assembly set up a committee to scrutinise the proposed Order. The draft Order was approved by the Assembly in December 2009, was subsequently approved by both Houses of Parliament, and was made by the Queen in February 2010.

As a result of this Order, the Welsh Government was able to bring forward the proposed Mental Health (Wales) Measure, which was introduced to the Assembly in March 2010 and is currently being scrutinised by Legislation Committee No. 3.

First Member-proposed Measure to become Welsh law

In June 2007, Jenny Randerson AM was successful in the first ballot held by the Llywydd to introduce a proposal for a new law in Wales. Following the agreement of the Assembly in Plenary, Jenny Randerson AM introduced the proposed Healthy Eating in Schools (Wales) Measure in March 2008.

In April 2008, the Assembly set up a committee to scrutinise the proposed Measure. Having successfully completed its passage through the Assembly, in October 2009 the Measure was approved by the Queen and officially became law. This was the first ever non-Government legislative proposal to become Welsh law.

Subordinate Legislation in the Third Assembly

A significant change brought about by the Government of Wales Act 2006 was

that responsibility for making subordinate legislation rested with Welsh Ministers rather than the Assembly.

As in the First and Second Assemblies, a committee, known as the Subordinate Legislation Committee, was set up by the Assembly to scrutinise subordinate legislation made by Welsh Ministers. Unlike its predecessors, this Committee can now also consider other issues, such as the appropriateness of provisions in Measures and Bills that give powers to make subordinate legislation to Welsh Ministers.

In carrying out this role, the Committee has, to date, reported on six Bills, including the Child Poverty Bill and Flood and Water Management Bill. The Committee's reports are sent to all Welsh MPs and Members of the House of Lords, as well as the relevant Welsh Minister, in an attempt to influence the legislation before it becomes law.

Special Assembly Procedure Committee

Certain subordinate legislation, normally specific to an area of land, is subject to special Assembly procedure. This procedure allows members of the public who could be affected by the decision to petition the Llywydd. The petition can be referred to an Assembly committee for consideration and to decide whether the legislation should be made.

In July 2008, the Special Assembly Procedure Committee was set up to consider a petition received by the Llywydd from Pembrokeshire County Council and Mr K Jones against legislation brought forward by the Assembly Government (the draft London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement) Order) which would mean the building of a new by-pass in Pembrokeshire. This was the first piece of subordinate legislation to be the subject of the special Assembly procedure.

The Committee reported in December 2008 and recommended that Welsh Ministers should use the power to make the draft Order which would allow them to go ahead with the proposed by-pass.

Scrutiny of UK Government Bills

There has also been continued scrutiny of Bills conferring Measure-making powers (known as 'framework powers') on the Assembly; and Bills containing specific provisions for Wales, and Bills conferring powers on Welsh Ministers.

During the Third Assembly, Assembly committees have reported on the following Bills or draft Bills:

- Implications of the draft Flood and Water Management Bill
- Scrutiny of the UK Climate Change Bill: implications for Wales
- Scrutiny of the UK Planning Bill: implications for Wales
- Scrutiny of the draft Marine Bill: implications for Wales
- draft Apprenticeships Bill
- Apprenticeships, Skills, Children and Learning Bill
- Implications of the Marine Bill on Wales
- Equalities Bill

This legislative year in review

Over the past year, the Assembly's legislative operational tempo has continued at a robust pace. The first Member-proposed Measure, brought forward by Jenny Randerson AM, became law in October 2009; the first Committee-proposed Measure, brought forward by the Committee on Standards of Conduct, became law in December 2009 and the first Member-proposed Legislative Competence Order, brought forward by Jonathan Morgan AM, was made in February 2010.

First Committee-proposed Measure to become Welsh law

In March 2009, Jeff Cuthbert AM, as Chair of the Committee on Standards of Conduct, introduced to the Assembly the proposed National Assembly for Wales Commissioner for Standards Measure. Having successfully completed its passage through the Assembly, in December 2009, the Measure was approved by the Queen and officially became law.

The Measure places the position of the Commissioner for Standards on a statutory basis. It will ensure that the Commissioner, once appointed, is totally independent of the Assembly and therefore able to investigate complaints against Assembly Members with complete objectivity. It will also provide the Commissioner with powers to enable him or her to investigate complaints rigorously, including the power to require third parties to provide relevant information.

In addition, October 2009 saw the first Commission-proposed Measure introduced to the Assembly.

First Commission-proposed Measure introduced to the Assembly

In October 2009, the Llywydd, as Chair of the Assembly Commission, introduced to the Assembly the proposed National Assembly for Wales (Remuneration) Measure. If made law, the Measure will establish an independent board to make decisions on Assembly Members' salaries and other financial support available to them.

In November 2009, the proposed Measure was referred to Legislation Committee No.1 for scrutiny. It is currently progressing through the Assembly.

Laying the first Scrutiny Committee-Proposed Legislative Competence Order

The Enterprise and Learning Committee laid its proposed (Legislative Competence) (Highways and Transport) Order 2010 and its Explanatory Memorandum in June 2009. The proposed Order would lead to duties being placed on local authorities to create and maintain a network of safe routes primarily for pedestrians and cyclists. This is the first Order to come directly from the petitions process. In November 2009, the Deputy First Minister agreed to support the Proposed Order and to facilitate its passage through Whitehall on the condition that negotiations would not commence until March 2010. It is hoped that negotiations between Assembly staff and relevant Government officials will ensure that the necessary powers will be secured before the beginning of the Fourth Assembly.

In February 2010, the Subordinate Legislation Committee was renamed the Constitutional Affairs Committee. This change in name was to better reflect the remit of the Committee, which in the Third Assembly extended beyond the scrutiny of subordinate legislation. In November 2009, the Committee began an inquiry into how the Assembly's law-making powers have evolved since 2006. As part of this inquiry, it is looking at how the development of the Assembly's powers has affected the public's understanding of the Assembly. The Committee has taken evidence from a range of witnesses including legal and constitutional experts, organisations that represent important strands of public life, the Chair of the House of Commons Welsh Affairs Select Committee and Welsh Ministers.

Over the past year, we have continued to seek ways to involve the public in the legislative process, including the work of the Assembly's legislation committees. We have adopted new ways of promoting the work of legislation committees, using social networking sites, eg Facebook, YouTube and Twitter, in an attempt to reach a wider audience, including children and young people. In addition, the Assembly's outreach teams and the Assembly bus have offered opportunities for people to find out more about and participate in the way the Assembly makes laws for Wales.

Consultation on the proposed Welsh Language Legislative Competence Order

In consulting on the proposed Welsh Language Legislative Competence Order, as well as inviting key organisations with an interest in the Welsh language, Legislation Committee No.5 sought to engage with the wider public through a poster campaign. The poster was distributed to libraries and community centres across Wales in an attempt to reach as many people as possible. This resulted in the Committee receiving 70 responses from individuals and 70 responses from organisations.

Consultation on the proposed School Governance Legislative Competence Order

In consulting on the proposed School Governance Legislative Competence Order, Legislation Committee No. 4 used the Assembly's Facebook pages to generate additional public interest in its work.

Legislative scrutiny in a broader context

In addition to making and scrutinising laws for Wales, the Assembly also plays a pivotal role in scrutinising laws made by other legislatures – specifically those laws that could have an impact on Wales.

On 25 January 2010, the Department for Environment, Food and Rural Affairs (DEFRA) published the draft Animal Health Bill for pre-legislative scrutiny. Dealing primarily with progressing proposals for responsibility sharing in England through the establishment of the Animal Health Organisation (AHO), some clauses in the draft Bill also had implications for Wales.

The National Assembly's Rural Development Sub-Committee therefore followed the Bill's progress closely, and could yet decide to consider the Bill in greater detail if and when it is formally introduced to Parliament.

In addition, the Sustainability Committee undertook scrutiny of the UK Government's draft Flood and Water Management Bill, and identified an anomaly in relation to the consenting of large water infrastructure projects (including reservoirs) in Wales which the Minister identified and ensured was corrected in the subsequent Act.

At the request of the House of Commons's Innovation, Universities, Science and Skills Select Committee, the Enterprise and Learning Committee responded to the UK Government's consultation on the draft Apprenticeships Bill – drafted to apply to England only. The Committee sought clarification from the Welsh Government regarding the mechanism by which Welsh clauses would be incorporated into the Bill. The Committee scrutinised John Griffiths AM, the Deputy Minister for Skills, at a meeting in March 2010.

The Committee felt that the legislative process by which Welsh clauses were incorporated in a large UK Bill was unsatisfactory and left little room for thorough scrutiny either at Westminster or in the National Assembly for Wales. The House of Commons Committee noted that "the consultation on the operation of apprenticeships in Wales and on the application of the draft legislation to Wales has clearly been inadequate". It therefore recommended, "that the Government rectify this deficiency before the provisions in the draft Bill are finalised".

The Assembly and European legislation

The Assembly's European and External Affairs Committee keeps a watching brief on any forthcoming EU legislative proposals, considers the European Commission's Annual Legislative and Work Programme on an annual basis, undertakes its own inquiries and also refers issues to other Assembly committees as appropriate.

In July 2009, the European and External Affairs Committee published an interim report on the draft Directive on Patients' Rights in Cross-border Healthcare.

It has also been considering the implications for Wales of the Protocol on Subsidiarity and Proportionality in the Lisbon Treaty.

The Committee has also been undertaking early pre-legislative scrutiny on the future of EU Cohesion Policy, which will lead to legislative proposals at a later date with significant implications for Wales.

The future of legislation in Wales

The final year in a four-year Assembly is different from other years, as there is a definite time limit to the approval of legislation. Any legislation that has not been approved when the Assembly is dissolved ahead of the 2011 election will fall. In view of this, it is likely that legislation will continue to be brought forward apace to enable the Welsh Government to meet its commitments and for Members with individual proposals to ensure that these are successful before dissolution.

As the end of the Third Assembly draws near, we are beginning to prepare for the Fourth Assembly. We will be undertaking a comprehensive review of committee structures and operations, and of the legislative process and procedures, which will, in turn, inform a review of the Assembly's Standing Orders.

A referendum on the Assembly's powers

The All Wales Convention was set up by the Welsh Government to establish what the public thought about more law-making powers for the Assembly.

In October 2007, the First Minister and Deputy First Minister appointed Sir Emyr Jones Parry as Chair of the All Wales Convention. In broad terms, the role of the Convention was to raise awareness and improve understanding of the current arrangements for devolved government in Wales and of the provisions of Part 4 of the Government of Wales Act 2006, to facilitate and encourage public debate on, and assess the level support for, options for future law-making in Wales.

The Convention's report was presented to the First Minister and Deputy First Minister in November 2009.

It concluded that a move to full law-making powers for the Assembly in all devolved areas offers substantial advantage over the current arrangements. Following this, on 9 February 2010, the Assembly agreed a formal proposal for a referendum, which involves recommending to the Queen that the necessary legislation (an Order in Council under section 103(1) of the Government of Wales Act 2006) is made to allow a referendum to be held.

Since then, the First Minister has advised the Secretary of State for Wales of the Assembly's proposal. It is now for the Secretary of State either to lay draft legislation containing an Order before both Houses of Parliament, or to write and notify the First Minister of her refusal to do this giving her reasons.

Subject to the approval of the Order by the Assembly and both Houses of Parliament, and the making of the Order by the Queen, a referendum will be held.

At present, the National Assembly has powers to make laws for Wales on some subjects within the 20 devolved areas.

The Assembly can gain further powers to make laws in those areas with the agreement of the UK Parliament on a subject by subject basis.

If most people vote yes in this referendum, the Assembly will gain powers to pass laws on all subjects in the devolved areas without first needing the agreement of the UK Parliament.

If most people vote no, then the present arrangements will continue.

It is likely that this referendum will be held in 2011.

The Pierhead helped Wales forge its identity ‘through water and fire’ in the late nineteenth century; today its aim is to inform, involve and inspire a new generation to forge a Wales for the future.

On 1 March 2010, following months of extensive refurbishment, the landmark redbrick Pierhead building on the National Assembly’s Cardiff Bay estate re-opened to take on its new role as a unique events and visitor attraction.

The Pierhead was developed with the assistance of visitor attraction specialists who were tasked with satisfying the huge public interest in the building’s history, while simultaneously enabling it to function as a venue for public debate and Assembly-sponsored events.

The former home of the Cardiff Rail Company now includes – among other features – a permanent exhibition telling the story of the Pierhead and Cardiff docks, an interactive dining table with some of Wales’s most iconic figures and artefacts from Captain Scott’s ship, the Terra Nova, which set sail for the Antarctic from Cardiff in 1910.

Within a month of its opening, almost 10,000 visitors passed through the doors of the Pierhead, establishing it as one of the capital’s top attractions.

Events that have already been held at the Pierhead include an exhibition showcasing the work of Welsh photojournalist Philip Jones Griffiths and the inaugural Pierhead Sessions. The Sessions were a series of talks and discussions on various political and cultural issues and brought together the sharpest minds to focus on issues that affected Wales and the world.

Cardiff Bay has been at the forefront of Welsh economic and civil identity for the best part of 200 years, from its role as one of the biggest ports in the world during the age of King Coal to its current role at the centre of governance in a devolved Wales.

The Pierhead has been a central part of this landscape since it was built, and its refurbishment was an exciting project in the Assembly’s 10-year calendar.

A more transparent Assembly

July 2009 saw the Assembly move closer towards achieving its intention of becoming a truly transparent and accessible institution, when the results of a comprehensive and far-reaching independent review of Assembly Members' pay and allowances for travel, accommodation, funding for constituency and regional offices and support staff was presented to the Assembly's Llywydd and Assembly Commissioners.

The report, *Getting it Right for Wales*, was the result of a 10-month inquiry by an independent panel, chaired by Sir Roger Jones, and contained a range of recommendations after taking evidence from members of the public, former and current Assembly Members and members of private and public sector bodies. The panel also looked at how other parliamentary bodies, including those in Queensland and New Zealand, offer remuneration and financial support to their members.

It was the first review of how elected representatives can claim financial support to be published in the UK after the storm over MPs' expenses broke in Westminster earlier in the year, dominating headlines in the UK and overseas.

Sir Roger Jones, chair of the independent review panel, said that the commissioning of the review in spring 2008 was a testament to the Assembly's long-standing commitment to accountability and transparency, and that the Assembly's wholesale acceptance of the recommendations contained in the panel's report allowed the National Assembly for Wales and Assembly Members to re-establish the necessary confidence and trust of the people of Wales in the devolved democratic process.

One of the main recommendations in the report was the immediate severance of the link between Assembly Members' pay and that of Westminster MPs; the report stating it was "neither desirable nor appropriate that such links are maintained". In addition, the panel recommended the abolition of a number of payments relating to second homes, including the abolition of the entitlement to claim mortgage interest payments on Members' second homes in Cardiff. The number of Members entitled to claim for a second home was reduced from 51 to 25.

By the end of the financial year, 47 of the 108 recommendations had been implemented, with the remainder scheduled to be implemented by May 2011.

In addition, a public online log of Assembly Members' expenses claims was launched on the National Assembly website in June, allowing everyone to see, at the click of a mouse, what expenses their Assembly Members had claimed.

Claims are now published every month, three months in arrears.