

Business Committee BC(2)15-05 (Final minutes)

MINUTES OF MEETING

Date: 17th May 2005

Time: 9 a.m.

Venue: Conference Room E

Present: Jenny Randerson (Chair)
Jane Hutt, Business Minister

Jocelyn Davies, Plaid Cymru Business
Manager

Kirsty Williams, Welsh Liberal
Democrats Business Manager

David Melding, Welsh Conservatives
Business Manager

John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly

Andrew George, Clerk to the Business
Committee

Marion Stapleton, Assembly Business
Unit

Karin Phillips, Members' Research and
Committee Services Peter Jones,
Counsel to the Assembly Parliamentary
Service

Alun Jenkins, DLS (Agenda Item 4)

Marc Wyn Jones, Business Committee
Secretariat

Catherine Morris, PS to the Deputy
Presiding Officer

Apologies & announcements

2. Minutes of the previous meetings

(i) BC(2)13-05 (Final minutes) - Tuesday 3rd May 2005

2.1 The minutes were presented to the Committee in their final format. As there were no comments, they would be translated in readiness for publication.

Action: Chamber Secretariat

(ii) BC(2)14-05 (draft minutes) - Tuesday 10th May 2005

2.2 The minutes were presented to the Committee in draft. An amendment was suggested which would be incorporated before the minutes were translated in readiness for publication.

Action: Chamber Secretariat

3. Matters Arising

3.1 **10th May: Paragraph 5.1** Marion Stapleton said that the timetable for making the GMO (Traceability and Labelling) (Wales) Regulations 2005 had been adapted to allow the Environment, Planning and Countryside Committee to consider the legislation at its meeting on 22 June.

4. Subordinate Legislation

Orders for consideration

The Education (Listed Bodies) (Wales) (Amendment) Order 2005 - **BC(2)15-05 (p1)**

The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2005 - **BC(2)15-05 (p2)**

The Special Guardianship (Wales) Regulations 2005 - **BC(2)15-05 (p3)**

&

Report by the Health and Social Services Committee - **BC(2)15-05(p14)**

The Plant Protection Products Regulations 2005 *Standing Order 25, Section 3* - **BC(2)15-05 (p5)**

The Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2005 *Standing Order 25, Section 3* - **BC(2)15-05 (p6)**

The Business Committee recommended the Standard procedure for BC(2)15-05(p3) and recommended the Accelerated procedure for BC(2)15-05(p1) and BC(2)15-05 (p2). The Deputy Presiding Officer subsequently determined that none of the Orders need

be referred to Subject Committee.

4.1 Members of the Committee suggested a number of amendments to clarify the papers accompanying these items of legislation. It was agreed that the papers would be amended accordingly.

BC(2)15-05(p1)

4.2 The Deputy Presiding Officer noted that the Welsh version of this draft Order would not be available until 17 May. He said that the draft Order was only 3 pages long and asked why there had been a delay. Alun Jenkins said that the delay had been caused by issues with the current capacity of the Translation Unit.

BC(2)15-05(p2)

4.3 The Chair noted that the Explanatory Memorandum accompanying this draft Order said that it was intended that the Regulations would come into force in Wales on 24th June. However, corresponding Regulations had come into force in England, Scotland and Northern Ireland on 1 April 2005. She asked why there had been a delay in introducing the legislation in Wales. Marion Stapleton said she would report back on this issue. The Chair also noted that the payments arising from the legislation would be backdated to 1 April 2005. Alun Jenkins confirmed that it was intended to backdate the payments to the beginning of the financial year in which the legislation was being made. The Deputy Presiding Officer said that the Explanatory Memorandum and Regulatory Appraisal should explain this.

Action: Marion Stapleton to report back

BC(2)15-05(p3)

4.4 The Committee considered this draft Order and noted the report from the Health and Social Services Committee. The Chair referred to paragraphs 17 to 25 of the Explanatory Memorandum, which summarised the consultation with the Health and Social Services Committee and suggested that, in future, the actual Committee reports could be included as an annex to the Explanatory Memorandums instead.

BC(2)15-05(p5) & BC(2)15-05(p6)

4.5 The Committee considered these draft Orders, which would be made in accordance with Standing Order 25, Section 3. The Chair referred to paragraph 3 of the Explanatory Memorandums accompanying these draft Orders, which said that "*these powers are exercisable jointly by the National Assembly for Wales and by the Secretary of State for Environment, Food and Rural Affairs.*" Peter Jones said that, in the case of the Plant Protection Products Regulations 2005, the Assembly had to legislate jointly with DEFRA. However, in the case of the Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2005, the Assembly could legislate separately if it so wished.

(b) Standing Order 29 Subordinate Legislation

(c) Orders made under the Executive Procedure; Papers to note.

BC(2)15-05 (p7)

4.6 The Business Committee noted the letter on the use of the Executive procedure for The Feed (Corn Feed and Brewers Grains) (Emergency Control) (Wales) Regulations 2005. The Chair noted that the Minister for Environment, Planning and Countryside had determined, in accordance with Standing Order 24.2, that it was not reasonably practicable for the Regulations to be in English and Welsh.

(d) Papers for Information

5. Committees

6. Forthcoming Business

BC(2)15-05(p8)

6.1 The Business Minister responded to various requests from Business Managers and said that:

There was currently no intention of scheduling a debate on NHS Dentistry in Wales as the Minister for Health and Social Services had only recently announced the plan for accelerating transfer to the Personal Dental Service model.

There was no intention of scheduling a statement on the appointment of Peter Hain as Secretary of State for Northern Ireland.

There was no intention of scheduling a statement on the Lyons review and its implications on Council Tax in Wales before the review was completed and a report was published.

There was no intention of scheduling a statement on the recent announcement by the Department of Trade and Industry of the establishment of a new Department of Productivity and Industry.

This Week's Business

BC(2)15-05(p9)

6.2 The Committee considered this paper, which detailed the Assembly's agreed business for the week.

Business Managers' Requests

6.3 Jocelyn Davies asked if a statement could be made on the Government's capital programme following reports in the media. David Melding and Kirsty Williams supported this request. She also asked if a statement could be scheduled on trolley waits at the University Hospital of Wales.

6.4 Kirsty Williams reiterated her request for a debate on NHS dentistry. David Melding and Jocelyn Davies supported this request. She referred to Jocelyn Davies' request for a statement on the Government's capital programme and said that a wider debate on Health Service reconfiguration was required.

6.5 David Melding asked if a statement could be made on the appointment of chairs of scrutiny committees by Caerphilly Council. Jocelyn Davies and Kirsty Williams supported this request.

Draft Business Statement

6.5 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 24 May, 7 June and 14 June.

6.6 In response to a query from the Chair, the Business Minister said that the timeframe for the legislation which would be required as a result of the ASPB merger would be covered in the debate on the consultation on the merger policy on 8 June.

6.7 The Deputy Presiding Officer referred to the motion to delegate functions under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations, which was scheduled to take place on 8 June. He said that it may be desirable for two motions to be tabled, one to delegate functions to the Government and the other to delegate functions to the House Committee, as this would make it easier to implement any changes in future.

6.8 Marion Stapleton said that a date had not yet been set for the Secretary of State to attend and participate in the Assembly's consideration of the UK Government's legislative programme. She said she would report back on this issue in the Committee's next meeting. It was agreed that a paper on a proposed structure for the debate would be submitted to the Committee for consideration in advance of the debate.

Action: Marion Stapleton/Chamber Secretariat

7. Advice to Assembly on procedures

BC(2)15-05(p11)

7.1 The Business Committee noted a letter from the Presiding Officer and a report on Audio-Visual Proceeding in the new Assembly Chamber. It was noted that different approaches were possible in Committee and Plenary. The Committee agreed to return to this issue in its meeting on 7 June, following consultation between Business Managers and their groups.

8. Matters referred from plenary

9. Revisions to Standing Orders

BC(2)12-05(p17) & BC(2)15-05(p12)

9.1 The Business Committee considered and agreed the paper on proposals to amend Standing Order 19 in the light of the Freedom of Information Act, including a list of exemptions. It was agreed that a draft Report of the Business Committee and a draft Practice Note would be submitted to the Committee after the Recess.

Action: Secretariat

BC(2)15-05(p13)

9.2 The Business Committee considered and approved a paper on proposals to amend Standing Orders to make provisions for the Assembly to meet in the case of a civil emergency. The Business Minister said that the Government were still looking at the legislation which would be required. It was agreed that a report would be submitted to the Committee for consideration in due course.

Action: Secretariat

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT