

Diben

1. Ystyried fersiwn ddrafft ddiwygiedig o gyflwyniad y Pwyllgor Amaethyddiaeth a Datblygu Gwledig i Gomisiwn Richard.

Cefndir

2. Yn ei gyfarfod ar 27 Tachwedd 2002, cytunodd y Pwyllgor i gyflwyno ei bapur ei hun i Gomisiwn Richard, yn ychwanegol at gyflwyniad y Cadeirydd. Trafodwyd cyflwyniad drafft yn y cyfarfod ar 15 Ionawr 2003. Yn dilyn trafodaeth cytunodd y Pwyllgor:

- y dylid cyflwyno paragraffau 1 i 5 yr adroddiad i'r Comisiwn;
- y dylid ychwanegu adran yn tynnu sylw at y ffaith bod angen gwella'r cyfathrebu rhwng DEFRA a'r Cynulliad Cenedlaethol; ac
- y dylid diwygio gweddill y papur, er mwyn adlewyrchu'r trafodaethau a gafwyd yn y cyfarfod, a'i gynnwys ar agenda'r cyfarfod nesaf.

3. Mae'r pwyntiau uchod wedi'u gweithredu ac atodir cyflwyniad drafft diwygiedig yn Atodiad 1.

Camau i'r Pwyllgor eu cymryd

3. Gwahoddir y Pwyllgor i ystyried y papur drafft diwygiedig a'i gymeradwyo.

Ysgrifenyddiaeth y Pwyllgor Ionawr 2003

Atodiad 1

Richard Commission

Draft submission by the Agriculture & Rural Development Committee

National Assembly for Wales

Introduction

1. The following submission is made on behalf of the Agriculture and Rural Development Committee. The Commission has already received a submission from the Chair of the Committee, Glyn Davies AM, describing the Committee's mode of operation and role in scrutinising the Minister, his policies and Assembly subordinate legislation.
2. The main issues covered by this submission relate to the extent of the powers available to the Assembly within the Agriculture and Rural Development portfolio and a more general issue related to the position of the Minister as a member of a subject committee.

Maximising the National Assembly's powers in relation to agriculture and rural development

3. To a large extent, policy on agriculture and fisheries is driven by European Union policy, law and finance. The Common Agricultural Policy and the Common Fisheries Policy apply through Community legislation that has direct effect across all Member States and so there is often little scope for a Member State, or part of a Member State, to act independently. The potential to develop distinctive agricultural policy through legislation is, therefore, limited. Nonetheless, the Committee believes that the Assembly's powers in this portfolio should still be maximised.
4. The handling of the foot and mouth outbreak in 2001 is, perhaps, the best single example of how greater legislative powers would be of benefit. The nature of the modern livestock industry means that steps taken to control a disease such as Foot and Mouth must be coherent at a UK level. Nonetheless, the outbreak demonstrated the need for government actions to reflect regional and local circumstances. The distinctive topography of Wales, the structure and patterns of its agricultural industry, and the existence of the National Assembly meant that, in several key areas, policy could have been tailored, and decisions taken more quickly, had the National Assembly had greater legislative responsibility. Devolution of animal health powers would also have aided public understanding of governmental accountability in Wales and provided a clearer and more efficient decision-making structure.
5. In addition to powers in respect of animal health, there are other areas where greater legislative powers would allow distinctive Welsh policy to be developed. The written submission of the Deputy First Minister and Minister for Rural Development and Wales Abroad, for example, identifies potential advantages in developing policy for fisheries, plant health and bio-technology and the promotion of rural development through voluntary bodies. The Assembly as a whole has made clear its wish for powers to decide on the question of hunting in Wales.

Communication between the Assembly and other government departments

6. The Committee is not privy to the details of working relationships between Ministers and officials in the Assembly and those in other government departments. Nonetheless, a recent example, related to the

production by the Department of Environment, Food and Rural Affairs (DEFRA) of a report on genetically modified crops, highlighted the need for better communication. We understand that neither the Assembly Minister nor his officials, had been aware of DEFRA's intention to publish the report despite the fact that the issue was known to be of considerable interest to the Assembly at the time. We hope that the Commission is able to consider the issue of communication between the Assembly and other government departments and make recommendations for its improvement.

Assembly Ministers as members of subject committees

7. The other issue the Committee wishes to draw to the Commission's attention relates to the requirement of the Government of Wales Act that Ministers are members of subject committees.

8. The requirement written into the Act was a logical extension of the concept of the Assembly as a single corporate body. Since 1999, a majority governing coalition has been created and the Assembly has passed its resolution of 14 February 2002 for there to be 'the clearest possible separation between the Government and the Assembly which is achievable under current legislation'. Although the Committee does not have an agreed view on the relative merits of the position of Ministers on subject committees in this environment, it feels that this is something the Richard Commission might usefully consider.

9. Some specific issues the Committee would draw to the Commission's attention in this regard are:

- i. whether the continual presence of Ministers affects the character and dynamic of committee work in the Assembly making it more likely that Government party Members act to defend Ministers in committee rather than as part of a collective approach to scrutiny;
- ii. whether Ministerial membership constrains the ability of committees to scrutinise Ministers effectively due to their control over the information provided by their officials and the sharing of other briefing material amongst all committee members (including the Minister);
- iii. whether removal of the benefits in committee of ready access to Ministers and officials could be overcome by strengthening committees' powers of summons;
- iv. whether, given the current requirement for membership to be party balanced, an increase in the size of the Assembly's membership would be needed to cope with the workload placed on other Members as a result of the removal of Ministers from committees;
- v. whether such an increase in the number of Members would contribute to the development of a culture of effective committee scrutiny by distancing 'backbench' Members from Ministers and by allowing Members to become more expert in particular subject areas;
- vi. whether the presence of Ministers on committees creates any potential confusion in the mind of

expert advisors appointed by committees over whom they are working for.

Conclusion

10. We hope that this submission is helpful to the Commission