



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Pwyllgor Deddfwriaeth Rhif 5
Legislation Committee No. 5**

**Dydd Iau, 25 Tachwedd 2010
Thursday, 25 November 2010**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Alun Davies	Llafur Labour
Andrew Davies	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)
David Melding	Ceidwadwyr Cymreig (yn dirprwyo ar ran Darren Millar) Welsh Conservatives (substitute for Darren Millar)
Jenny Randerson	Democratiaid Rhyddfrydol Cymru (yn dirprwyo ar ran Eleanor Burnham) Welsh Liberal Democrats (substitute for Eleanor Burnham)
Leanne Wood	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Natalie Lancey	Cyfreithiwr, Llywodraeth Cynulliad Cymru Lawyer, Welsh Assembly Government
Huw Lewis	Aelod Cynulliad, Llafur (Y Dirprwy Weinidog dros Blant_ Assembly Member, Labour (The Deputy Minister for Children)

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Bethan Davies	Clerc Clerk
Leanne Hatcher	Dirprwy Glerc Deputy Clerk
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 1.02 p.m.
The meeting began at 1.02 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Mark Isherwood:** Prynawn da a chroeso. Good afternoon and welcome to Legislation Committee No. 5. I start by welcoming Huw Lewis, the Deputy Minister for Children, to the meeting. The Deputy Minister is accompanied by Natalie Lancey from the Welsh Government's legal services. I also welcome Jenny Randerson, who is a substitute for Eleanor Burnham, and David Melding who is a substitute for Darren Millar. I welcome both of you, and thanks for being with us. I will start with the basic housekeeping requirements. I remind Members that if a fire alarm should sound, you should leave the room by the marked exits and follow the instructions of the ushers and staff. No test is forecast today. Please ensure that your mobiles, pagers and BlackBerrys are switched off. The National Assembly for Wales operates through the media of Welsh and English, and headphones are provided for simultaneous translation if required. They can also be used to amplify sound for people who may be hard of hearing. Please do not touch any of the buttons on the microphones as this can disable the system. You should also ensure that the red light is showing before you speak.

1.04 p.m.

**Mesur Arfaethedig ynghylch Hawliau Plant a Phobl Ifanc (Cymru)—Cyfnod 2:
Ystyried y Gwelliannau
Proposed Rights of Children and Young Persons (Wales) Measure—Stage 2:
Consideration of Amendments**

[2] **Mark Isherwood:** Each of you should have a copy of the proposed Measure, a marshalled list of amendments and the groupings of the amendments for debate today. The marshalled list of amendments is the list of all amendments tabled that have been marshalled into the order in which the sections appear in the proposed Measure. So, for our meetings, the order in which we consider amendments will be sections 1 to 12, new sections and long title.

[3] You will see from the groupings list that amendments have been grouped to facilitate debate, but the order in which they are called and moved for a decision is dictated by the marshalled list. Members will need to follow the two papers, although I will advise Members when I call them whether they are being called to speak in the debate or to move their amendments for a decision. There will be a test later. [*Laughter.*]

[4] There will be one debate on each group of amendments. I will call the proposer of the first amendment in the group, who should speak to and move his or her first amendment and speak to the other amendments in that group. I will then call other speakers, including any other proposers of amendments in that group, but they should not move their amendments at that stage. Members who do not have an amendment in the group, but who wish to speak should indicate their wish to speak in the usual way. I will call the Deputy Minister to speak on each group. To conclude each debate, I will call the proposer of the first amendment in the group to wind up.

[5] Following the debate on a group, I will clarify whether the Member who moved the first amendment still wishes to press it to a vote. If not, he or she may seek the agreement of the committee to withdraw that amendment. If it is not withdrawn, I will put the question on the first amendment in the group, that the amendment be agreed to. It is my intention for all votes to be recorded so that the names of those voting for, against or abstaining will be recorded in the minutes.

[6] I will call the proposers of other amendments in each group to move their amendments at the appropriate time, in accordance with the marshalled list. If you do not wish to move your amendment, please say so clearly when the amendment is called. For the record, only committee members can move amendments. Members will wish to be aware that, in line with the convention for the operation of legislation committees, I will move the amendments in the name of the Deputy Minister.

[7] Members will be aware that the only way to debate a section of the proposed Measure is to have tabled an amendment to it. Any sections that have no amendments tabled to them will be deemed agreed, as will any sections where tabled amendments are not agreed to. I will announce which sections have been agreed at the end of the meeting. Should we not complete proceedings today, there will be a further opportunity to table amendments to any sections that are not disposed of today. In order to be considered during next week's meeting, amendments would need to be tabled by 5 p.m. today. Are there any questions? I see that there are none.

Grŵp 1: Dyletswydd i Roi Sylw Dyledus (Gwelliannau 1, 13, 2, 14, 15 a 3)
Group 1: Due Regard Duty (Amendments 1, 13, 2, 14, 15 and 3)

[8] **Mark Isherwood:** The first group of amendments that we will consider this afternoon concern the due regard duty. The lead amendment in that group is amendment 1. Deputy Minister, would you like amendment 1 in your name to be moved?

[9] **The Deputy Minister for Children (Huw Lewis):** Yes, I would.

[10] **Mark Isherwood:** I move amendment 1 in the name of the Deputy Minister. I call on the Deputy Minister to speak to amendment 1 and the other amendments in the group.

[11] **Huw Lewis:** There are some quite substantial points that need to be made on this initial group. Developing the proposed Measure has presented us with a set of unique challenges, with which many Members will be familiar. I outlined many of those at the recent Plenary debate on the general principles of the proposed Measure. I remind everyone that we are the first administration in the UK to commit to embedding the United Nations Convention on the Rights of the Child into domestic law, and it is important that we find the right model that recognises the complexity of the duty while still trying to drive forward the children's rights agenda.

[12] I have listened carefully to the messages that we have received during the consultation at the start of the legislative process, from those who provided evidence during scrutiny and in the report produced by this committee in relation to the main duty in the proposed Measure. It has been made clear to me that there has been concern about some of the terms used in the proposed Measure and the scope of the duty to have due regard to the UNCRC, and that, as a result, there is a need to address that. These amendments are intended to change the scope of the main duty to improve clarity and, in so doing, to allow the Government to build capacity over a short period of time to enable effective compliance with the duty when it is extended to catch all functions of the Welsh Ministers and the First Minister.

[13] The Government is proposing amendments 1, 2 and 3, which clarify and make a significant change to the scope of the due regard duty. That means that, from 1 May 2014, the due regard duty will apply directly to the exercise by the Welsh Ministers and the First Minister of any of their functions. It will considerably expand the scope of the duty following the two years from May 2012, when, as a result of the second Government amendment that I have tabled, amendment 2, it will apply to all decisions about policy and legislation development.

1.10 p.m.

[14] Amendment 1, coupled with amendment 2, responds to the recommendation made by this legislation committee, but allows a lead-in time, prior to the application of the duty to all functions, during which Welsh Ministers will be required to have due regard to the UNCRC when making decisions about the development of legislation and policy. During that lead-in time, Ministers and officials can develop skills, knowledge and expertise in having due regard to the UNCRC, and prepare themselves for the application of the duty to all functions. The UNCRC and its optional protocols are complex, and there is no body of case law to which we can look to interpret their contents. Having due regard to all the rights in those agreements in everything that Welsh Ministers and the First Minister do is going to be something of a challenge. Nevertheless, the Assembly Government is fully committed to promoting and taking into account children's rights and has endeavoured to alleviate the concerns of the committee and other stakeholders. As such, these amendments will change the scope of the

due regard duty, so that, from May 2014, the duty will apply to the exercise of any of the functions of the Welsh Ministers.

[15] Amendment 3 removes the requirement for the children's scheme to set out the criteria for determining which decisions made by Welsh Ministers and the First Minister are decisions of a strategic nature—another phrase that has caused concern. The children's scheme will no longer need to set this out, as it will be clear from the face of the proposed Measure to which decisions the duty will apply from 1 May 2012 to 30 April 2014, and thereafter. The one compromise that I seek—and I think that it is entirely reasonable—is that we should have a two-year lead-in period, when the duty will apply only to decisions about policy and law making, during which we can develop our expertise in this area. I have listened to concerns that the phrase 'decisions of a strategic nature' lacks sufficient clarity, even if coupled with the explanatory criteria that will appear in the children's scheme. Therefore, in framing this interim scope for the due regard duty, we have aimed to make it as clear as possible to which decisions the duty applies. The period during which this interim scope will apply provides time for the Welsh Assembly Government to, first, become familiar with the new duty, having had to apply it to both policy and legislative development, and, secondly, allow the necessary work to take place in preparation for a wider application of the duty.

[16] Although the due regard duty will apply only to decisions about policy and legislation during this two-year period, my view is that the duty will still have great potential to bring about concrete developments and benefits for children. Throughout the scrutiny process, I have tried to be clear that I believe that two of the most powerful tools available to Government to bring about change are its policy and its legislation. Therefore, the effect of the duty during this interim period should not be underestimated. I therefore ask the committee to support those amendments.

[17] Amendment 13 would have the effect of applying the due regard duty to the exercise by the Welsh Ministers and the First Minister of their functions from the date at which section 1 of the proposed Measure is commenced. Amendments 14 and 15 are consequential on amendment 13, and remove reference to 'decisions of a strategic nature' from the proposed Measure. The envisaged date of commencement under the current draft of the proposed Measure was likely to have been some time in spring 2012. Around that time, the children's scheme would have been made following Assembly approval. In effect, this would mean that from around the date when the scheme is made, the duty on Welsh Ministers and the First Minister to have due regard to the rights and obligations in the UNCRC and its optional protocols would take effect. We feel that this is an unrealistic expectation and extremely difficult to deliver. To give it effect would require a massive, costly and immediate programme of mandatory training to be implemented across the Assembly Government and its officials. This would not be an effective way forward, and I fear that it would result in the Assembly Government setting itself up to fail. Even in the case of the Human Rights Act 1998, it was recognised that an adequate lead-in time would be required. In this case, a period of two years was allowed between the Act and its commencement. Recent information from our Flemish counterparts confirms that their due regard duty relates only to Acts of the Flemish Parliament—in other words, legislation. Similarly, the Swedish Government has made a proposal that all legislation concerning children should be formulated in accordance with the UN Convention on the Rights of the Child. Again, that targets the duty at the level of Government legislation. Our proposed duty in Wales, as detailed in the Government's amendments 1 and 2, goes much further, and is far more ambitious. As a result, we have to recognise that it would take more time to make adequate preparations and to upskill staff. We have to be realistic if we are committed and want this law to effect real, positive change, and therefore an adequate lead-in time will be required. I am afraid that amendments 13, 14 and 15 do not cater for that. Therefore, I ask the committee to resist those non-Government amendments.

[18] **Mark Isherwood:** Do any Members wish to speak?

[19] **Andrew Davies:** First of all, I place on record my thanks to the Deputy Minister. This is the first piece of legislation with which I have been involved on a legislation committee, and it has struck me that the quality of scrutiny has been very high indeed. The level of engagement by the Deputy Minister and his officials, not just with the committee but with outside bodies, such as voluntary organisations, has been exemplary. It should be held up as a model of how scrutiny should be carried out. I place on record my thanks to the Deputy Minister for listening to the committee and to other evidence. Consequent on certain amendments being agreed to, this will be a flagship piece of legislation, which I genuinely believe will place Wales at the forefront of supporting children and their rights.

[20] **Jenny Randerson:** I want to preface my remarks about the amendments by saying that the legislation, in principle and in most of its details, has the support of the Welsh Liberal Democrats. We welcome the fact that Wales has seized the opportunity to lead in this regard. In contrast with Andrew, I have been through the full legislative process in legislation committees on several occasions. I have had a rapid familiarisation lesson on this piece of legislation, because, of course, I am a substitute today, but I am impressed by the fact that the Deputy Minister's amendments deal with many substantive issues that were raised in the consultation. The public sometimes feels cynical about consultation on legislation, and it is important that the Government listens, and it is clear that the Government has listened in this case. The fact that there are so few amendments is a sign that this is a good piece of legislation.

[21] The Deputy Minister has addressed amendments 13, 14 and 15 in quite a considerable amount of detail. He is right that the purpose of our amendment 13 is to implement the committee's recommendation at Stage 1 that the proposed Measure be strengthened by adding a requirement for Ministers to have due regard to the UN convention in the exercise of their functions. The thinking behind that is that Ministers already have formal requirements on them to consider sustainability and equality of opportunity, and the same should apply to children's rights. The way in which our amendment 13 and the consequent amendments in this group differ from the Government's is that the Government has introduced a date, and the Deputy Minister has explained why that date has been introduced. In fact, there are two sets of dates. May 2014 is in amendment 1, and the period from 2012 to 2014 is in amendment 2. Therefore, we tabled the amendment because we had some concern that that was rather a long time away in the future. The Deputy Minister has, however, given a full explanation of why that time span is needed.

1.20 p.m.

[22] **Alun Davies:** I just wanted to say how good it is to have a Minister who listens to all of these concerns and reacts to them. With regard to our deliberations on this piece of legislation, there has been quite a strong consensus across the committee on these matters, and it is good to see that in the Government amendments. I understand the point that Jenny makes, of course; it is a point that has been made before, and we would all like to see this come into force tomorrow. I do not think that there is any issue with that, but I think that the Government's case is that we should do this properly, in time, in a controlled fashion. I think that that is a reasonable case to make on this occasion. We have been able to scrutinise this legislation with a commitment to it that cuts across all the political parties represented here. I have had other experiences of legislation that were not so happy, but on this occasion I hope that we can again achieve a consensus and support the position that the Deputy Minister is taking.

[23] **David Melding:** The Welsh Conservative party opposes Government amendments 1

and 2. However, we support amendment 3. We do not believe that this length of time is required as a lag. The UN convention was ratified nearly 20 years ago, and we believe that it would send the appropriate signal on the importance and urgency of this work if it were commenced in a timely fashion. We will oppose amendments 1 and 2. Should the Liberal Democrats be minded to move amendment 13 and consequential amendments 14 and 15, we will support those.

[24] **Mark Isherwood:** Deputy Minister, would you like to respond to any of those points?

[25] **Huw Lewis:** We will hear what the intentions are with regard to amendments 13, 14 and 15, but I contend that Government amendments 1, 2 and 3 dramatically change the scope of the proposed Measure, and I am asking the committee to agree that a lead-in period is reasonable and, indeed, essential for the duty to be carried out to its fullest potential. So, as I have said, I ask the committee to support Government amendments 1, 2 and 3 as a practical way forward for the Assembly Government in discharging a duty that could have a dramatic effect on the lives of children and young people. I also contend that it is unreasonable to ask the Assembly Government to apply this duty to all Ministers' functions from the date that the due regard duty is intended to come into effect in 2012. I think that it would be counter-productive and could potentially harm the effectiveness of the duty in the long run. Therefore, I urge the committee to resist non-Government amendments 13, 14 and 15.

[26] **Mark Isherwood:** Deputy Minister, do you wish to proceed to a vote on an amendment 1?

[27] **Huw Lewis:** I do.

[28] **Mark Isherwood:** Members should be aware that, if amendment 1 is agreed, amendment 13 will fall. The question is that amendment 1 be agreed to. I call for a vote.

*Gwelliant 1: O blaid 3, Ymatal 1, Yn erbyn 1.
Amendment 1: For 3, Abstain 1, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Davies, Andrew
Wood, Leanne

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Melding, David

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Randerson, Jenny

*Derbyniwyd gwelliant 1.
Amendment 1 agreed.*

[29] **Mark Isherwood:** As amendment 1 has been agreed, amendment 13 falls.

*Methodd gwelliant 13.
Amendment 13 fell.*

[30] **Mark Isherwood:** We now come to dispose of amendment 2. Members should be aware that, if amendment 2 is agreed, amendments 14 and 15 will fall. Deputy Minister, would you like amendment 2 in your name to be moved?

[31] **Huw Lewis:** I would, thanks.

[32] **Mark Isherwood:** I move amendment 2 in the name of the Deputy Minister. The question is that amendment 2 be agreed to. I call for a vote.

*Gwelliant 2: O blaid 3, Ymatal 1, Yn erbyn 1.
Amendment 2: For 3, Abstain 1, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Davies, Andrew
Wood, Leanne

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Melding, David

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Randerson, Jenny

*Derbyniwyd gwelliant 2.
Amendment 2 agreed.*

[33] **Mark Isherwood:** As amendment 2 has been agreed, amendments 14 and 15 fall.

*Methodd gwelliannau 14 a 15.
Amendments 14 and 15 fell.*

[34] **Mark Isherwood:** There will be no vote on the other amendment in this group at this point. We will return to vote on the amendment later in proceedings, in accordance with the marshalled list.

**Grŵp 2: Pobl Ifanc (Gwelliannau 22, 20, 21 a 23)
Group 2: Young People (Amendments 22, 20, 21 and 23)**

[35] **Mark Isherwood:** The second group of amendments to consider is in relation to young people. The lead amendment in the group is amendment 22. I call on David Melding to move amendment 22 and speak to the other amendments in the group.

[36] **David Melding:** I move amendment 22 in the name of Darren Millar and with the name of Eleanor Burnham in support.

[37] Amendment 22 will have the effect of requiring Welsh Ministers to have due regard to young people who, by virtue of their age, cease to be covered by the convention. We feel that it is important for all Government services to plan for the transition to adulthood. I am sure that Members will agree that in many debates—particularly those relating to mental health services—we have heard about the difficulties that are caused when children become young adults and move to adult services. If that transition is not catered for properly, then the particular needs of that age group can often be overlooked. Their developmental and psychological needs are often very different from those of mature adults. Therefore, we feel that it is important that the scope is extended so that young people are considered too.

[38] Amendment 20 will have the effect of focusing the UN convention on children, and that is what the convention does. We feel that it would be more aligned if we restricted it to children aged 18 or younger, and removed the reference to covering ‘young persons’. However, in our methodology, we will be addressing young persons in another manner. In

order to ensure that the focus does not get too confused in relation to the UN convention, it should be restricted to covering those aged under 18. There are consequential amendments to that effect, which are amendments 22 and 23.

[39] **Mark Isherwood:** Do other Members wish to speak at this point?

[40] **Alun Davies:** Yes. This is a matter that we discussed at some length during the inquiry, and we received some evidence on it. The balance of the committee's view at the time was that we would support—or certainly would not oppose—the Government's proposal that the legislation be potentially applied to those up to the age of 25. There was no consensus in the committee in relation to that position. The Government, in responding to our report on this, is clear about its intentions. I felt that the Government's position coincided with the committee's position on this issue. Therefore, I am not convinced that this amendment reflects the view of the committee at that time nor that this amendment should be supported by the committee today.

[41] **Mark Isherwood:** Do any other Members wish to speak at this point? I see that they do not. I call on the Deputy Minister to respond.

[42] **Huw Lewis:** These amendments relate to removing section 7 and references to it in other sections of the proposed Measure, and inserting a new component in section 1 that relates to Welsh Ministers having regard to 'the needs of young people'. I recognise that a range of different views were received on the issue of 18 to 24-year-olds during the scrutiny process, which points to the need for further debate and consideration. For a decade, our rights-based policy for children and young people in Wales has covered those aged 0 to 25. Our policy for young people has focused specifically on those aged 11 to 25, and, within that, the 18 to 25 age range. That is embedded in our local arrangements and delivering services to children and young people. This piece of Welsh law should reflect and build on that. The commitment made in Plenary in January 2004 reaffirmed the commitment to safeguarding and promoting the rights and welfare of children and young people in Wales, particularly those who are vulnerable, and to formally adopt the UN Convention on the Rights of the Child as the basis of policy making in this area. That approach is not unusual, Chair. You will recall receiving evidence from UNICEF that highlighted international approaches, including evidence from Flanders. The approach to legislation and the UNCRC in Flanders has been developed to include young people in the 18 to 25 age group, in line with Flemish policy. I have presented evidence on the number of young people who are not in education or employment in this age range, the exploratory analysis of budgets across age ranges, and the evidence from Estyn's inspection of youth services in each case. That strongly supports the argument of the need for provision, outlined in section 7.

1.30 p.m.

[43] Similarly, the evidence from a number of others, including Funky Dragon, has supported that view. These are all key issues driving the need for this proposed Measure to consider the rights of children and young people. In recognition of that, and in balance with other evidence received, the committee chose to maintain the status quo for section 7. Given the issues that I have identified, the Welsh Assembly Government feels that the inclusion of section 7 in the proposed Measure is appropriate to allow a fuller formal debate on whether and how to apply the proposed Measure or convention to this age group, and what amendments to those provisions may be needed to apply such provisions appropriately. In addition, the consultation would not only be about applying the proposed Measure or parts of it, or the convention or parts of it, with amendments as necessary, as any other matter relating to young persons can be a part of the consultation so that we can obtain the broadest range of views about what a rights-based policy in respect of this age group looks like.

[44] I acknowledge that this is an important issue, and that the United Nations Convention on the Rights of the Child is an instrument designed for under-18s. The purpose of the provision within section 7 is to consider whether there are rights and obligations within the UNCRC that we can build upon. In doing so, we would be identifying rights and obligations in respect of the 18 to 24 age group to which the Welsh Ministers would be required to have due regard. That requires some further in-depth work and consultation, and section 7 provides the necessary powers and, importantly, requires that consideration to be taken forward and not kicked into the long grass.

[45] The consultation process will allow us to have a full and proper debate on the best way to address the rights of this age group and respond to the issues in the evidence that I have presented. We will listen carefully to views expressed during the consultation process on the possible application to 18 to 24-year-olds. Following that, if appropriate, we will use the powers within this proposed Measure to give effect to the rights identified by making amendments.

[46] While the inclusion of section 7 provides an opportunity to work with stakeholders to identify possible ways forward, the removal of section 7, which would happen under non-Government amendment 20 combined with non-Government amendment 22, would not take into account the need to consult and consider options. Section 7 is intended to help us to clarify the approach that we should take towards the rights of our young people and, in doing so, enable the clarification of the actual rights to which the Welsh Ministers will be required to have due regard in order to improve the outcomes that they achieve. That is in line with the rights-based approach that we have taken for a long time. As I have stated, the legislation committee report itself did not recommend removing section 7 of the proposed Measure, and opted to maintain the status quo. I therefore ask the committee to resist amendment 20.

[47] As I stated in respect of amendment 20, it is important that section 7 remains in the proposed Measure, given our long-standing commitment to the way in which policy is made for children and young people up to the age of 25. Amendment 21 is consequential on amendment 20 and removes from section 10, which deals with the procedures for making Orders under this proposed Measure, the reference to section 7. I have set out the reasons why I think that section 7 has to stay. I therefore urge the committee to resist amendment 21.

[48] I now turn to amendment 22. The purpose of this amendment seems to be to attempt to compensate for the effect of amendment 21, which would remove section 7 completely from the proposed Measure. I have stressed throughout the Stage 1 scrutiny process why I consider section 7 to be necessary: it gives the potential to extend the benefits of this proposed Measure to the 18 to 24 age group if it is considered appropriate to do so and if the Assembly agrees that it should be done. That is a change that we should not take lightly. As you will be aware, we have set out our proposals to consult on that issue in the children's scheme. We have to publish a report on our conclusions and then consult on any draft Order that we intend to lay before the Assembly. In short, a great deal of thought and careful consideration would take place before any part of the proposed Measure was applied to young people, particularly on the question of which UNCRC rights were relevant to them. Unfortunately, this amendment appears to be creating a duty in respect of young people without that careful process of consideration being undertaken.

[49] It is very unclear to me how the Welsh Ministers could, in complying with the duty, have due regard to the UNCRC and also have regard to the needs of young people or the need to plan for the transition to adult services.

[50] The Assembly Government was criticised during the Stage 1 scrutiny process for a lack of clarity in the phrase 'decisions of a strategic nature', and it has duly taken that criticism on board. Yet, this amendment introduces a considerable lack of clarity into the

Welsh Ministers' duties under the proposed Measure. On a similar note, it also introduces the concept of the needs of young people, rather than their rights. That sits uncomfortably with the concept of the rights of children and young people and moves away from the rights-based approach that we have been taking all along. So, my view is that this would not be an effective way of compensating for the loss of section 7, and therefore section 7 should be retained and this alternative proposal rejected. I ask the committee to resist amendment 22.

[51] On amendment 23, I have explained through my evidence that our policy for children and young people spans the age range up to 25 years. I have already reminded the committee of the commitment made in Plenary in January 2004, and that the committee itself did not recommend removing section 7. I have also been clear that this law is intended to reflect the situation in Wales and our policy agenda in Wales. That is a policy agenda that, for over 10 years, has related to children and young people, as have our local arrangements for planning and delivering services to those very young citizens. It is for that reason that the name of this proposed Measure should still refer to both children and young people, who are its focus. So, I ask the committee to resist amendment 23. That concludes my comments.

[52] **Mark Isherwood:** David, do you wish to reply to the debate?

[53] **David Melding:** Yes, Chair. The Welsh Conservative Party acknowledges the good intentions of the Government, but we think that it remains problematic to afford protection to 18 to 24-year-olds by reference to a convention that is for 'children'. We also feel that it does not necessarily capture the expertise required when people leave childhood, as the specific services that are supportive of them as young adults are generally those services that provide for adults. So, we think that we must acknowledge that the traditional break comes at the age of 18. The UN convention is for people under the age of 18, so we have offered a way of trying to allow people when they leave childhood still to have that transitional period during which we must be mindful of their needs, which are quite distinct from the needs of mature adults. We think that we have offered a much more logical system to do that. I will press the point, although I would not want to convey any tone of excessive criticism of what the Deputy Minister has said, because we both approached the same problem from slightly different directions. Whatever the committee is minded to do, or Plenary, we would still want any system to succeed fully in practice.

[54] **Mark Isherwood:** David, do you wish to proceed to a vote on amendment 22 or withdraw it?

[55] **David Melding:** I wish to proceed to a vote, Chair.

[56] **Mark Isherwood:** The question is that amendment 22 be agreed to. I call for a vote.

*Gwelliant 22: O blaid 2, Ymatal 0, Yn erbyn 2.
Amendment 22: For 2, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Melding, David
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Davies, Andrew
Wood, Leanne

*Gwrthodwyd gwelliant 22.
Amendment 22 not agreed.*

[57] **Mark Isherwood:** There will be no vote on the other amendments in this group at this point. We will return to vote on them later in proceedings.

[58] In accordance with the marshalled list, we now move to dispose of amendment 3, which was debated in group 1. Deputy Minister, would you like amendment 3 in your name to be moved?

[59] **Huw Lewis:** I would.

[60] **Mark Isherwood:** I move amendment 3 in the name of the Deputy Minister. The question is that amendment 3 be agreed to. I call for a vote.

*Gwelliant 3: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 3: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Davies, Andrew
Melding, David
Randerson, Jenny
Wood, Leanne

*Derbyniwyd gwelliant 3.
Amendment 3 agreed.*

1.40 p.m.

**Grŵp 3: Trefniadau Gweinidogion Cymru (i Roi Sylw Dyledus) (Gwelliant 25)
Group 3: Welsh Ministers' Arrangements (for Due Regard) (Amendment 25)**

[61] **Mark Isherwood:** The lead and only amendment in this group is amendment 25, and I call on David Melding to move amendment 25.

[62] **David Melding:** I move amendment 25 in the name of Darren Millar with the name of Eleanor Burnham in support.

[63] This is a simple amendment that will ensure that the needs of disadvantaged children are referred to. That came out as an issue in the consultation, because there are disadvantaged children who have particular needs above those of the general population of children. If this amendment were carried, it would afford them a level of protection and recognition.

[64] **Mark Isherwood:** Do other Members wish to comment?

[65] **Alun Davies:** Many articles of the UNCRC seek to protect children who are disadvantaged. An amendment that asks the Deputy Minister to do what the convention already asks him to do seems to be a duplication. It seems to be a superfluous argument and a superfluous amendment, so, on this occasion, I do not agree with what is being proposed by David.

[66] **Mark Isherwood:** Are there any other contributions at this stage, before I call the Deputy Minister to speak? I see that there are none, so I call the Deputy Minister to respond.

[67] **Huw Lewis:** This amendment carries a misunderstanding of the duty. Amendment 25 requires the Welsh Ministers' arrangements for ensuring that compliance with due regard duty

[68] 'have particular regard to the needs of disadvantaged children'.

[69] The arrangements will deal with the Welsh Ministers' process for ensuring that due regard is had to the UNCRC in decisions about policy and legislation development from May 2012, as I said before, and in exercising their functions from May 2014. The arrangements are to ensure that we carry out the process of having due regard properly, not for predetermining how due regard is to be had in any particular case. The weight that it is appropriate to give to a particular UNCRC right and to other relevant factors will vary from case to case, and the arrangements are not for pre-weighting certain factors. This amendment appears to be based on a misunderstanding of the purpose of the arrangements.

[70] Furthermore, its drafting is ambiguous. For example, 'disadvantaged' could mean being disadvantaged in all sorts of different ways. It could be said that children are disadvantaged simply by the fact of their being children. That is why we are all here in the first place. So, I ask the committee to resist this amendment.

[71] **David Melding:** On the latter point, we took legal advice and it is a term that is used and that captures the meaning that we want. Alun Davies is right to say that there are articles of the convention that drill into greater detail, but we feel that, by stating this in general under section 1, a belt-and-braces approach is taken, as appropriate. We all know that some children face great disadvantages and that they need to be afforded extra protection and consideration. So, I wish to proceed to a vote on the amendment, Chair.

[72] **Mark Isherwood:** The question, therefore, is that amendment 25 be agreed to. I call for a vote.

Gwelliant 25: O blaid 2, Ymatal 0, Yn erbyn 3.

Amendment 25: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Melding, David
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Davies, Andrew
Wood, Leanne

Gwrthodwyd gwelliant 25.

Amendment 25 not agreed.

Grŵp 4: Cynllun y Plant (Gwelliannau 17, 4, 16 a 18)
Group 4: Children's Scheme (Amendments 17, 4, 16 and 18)

[73] **Mark Isherwood:** The lead amendment in this group is amendment 17, and I call on David Melding to move amendment 17 and to speak to that and the other amendments in the group.

[74] **David Melding:** I move amendment 17 in the name of Darren Millar with the name of Eleanor Burnham in support.

[75] Amendment 17 will have the effect of following the UN convention, especially article 5, more closely than the current proposed Measure does. The Welsh Ministers should consult before a children's scheme is published in draft, because that is the earliest stage of the policy-making process, and they should consult with the list that we have laid out:

[76] '() children and young persons,

() the Children's Commissioner for Wales,

- () parents, guardians, carers, or other persons legally responsible for children, and
- () such other persons or bodies as Welsh Ministers consider appropriate’.

[77] We feel that the section relating to parents, guardians, carers and so on would also strengthen this proposed Measure, because those people are largely responsible for the care that children receive and are therefore in a position to add great value to the policy-making process at the earliest stage. That will strengthen any children’s scheme before it is published in draft. We feel that it is important that we strengthen the proposed Measure in this way. Amendment 18 follows the same logic, so I shall not bore the committee by repeating that explanation.

[78] **Mark Isherwood:** I am sure that the committee would not be bored. Do other Members wish to speak at this point?

[79] **Jenny Randerson:** I wish to speak in relation to our amendment in this group, amendment 16. It is relatively straightforward because, if it is accepted, in addition to the requirement to consult, the Deputy Minister would also have to have due regard to the findings of the consultation. You will recall that I said earlier that the public is somewhat cynical on occasion about the consultation process that we undertake here, and we all realise that consultations produce opinions that directly clash with one another, but they sometimes produce a clear picture, yet that fact is not taken on board by Government. It is important, particularly in relation to this piece of legislation, that when Government consults, it has an obligation to take on board the main thrust of the responses. I would hope that the Deputy Minister would be able to accept this amendment.

[80] **Andrew Davies:** On amendment 17, I think that Darren Millar’s amendment is less strong than the Government’s proposal. Jenny just made reference to consultation, and my view is that consultation can be purely formulaic, but the Government’s word is ‘involvement’, which I think implies something more active and meaningful than ‘consultation’. So, I am certainly opposed to the amendment in Darren Millar’s name.

[81] On the one about parents and guardians, when Darren proposed this in committee, I felt that it was unnecessary, partly because the Government’s own engagement processes give parents, guardians and carers the opportunity to do that. I also feel that there are some issues of principle here. It will often be parents, carers and guardians who are a threat to the young child or children, so the Government’s formulation is adequate, and I am happy with it on this occasion.

[82] **Mark Isherwood:** Deputy Minister, do you wish to respond?

[83] **Huw Lewis:** Of course, I ask the committee to support Government amendment 4 in this group. I have stated from the outset that I believe that stakeholder involvement—and that word is significant, as Andrew has pointed out—at an early stage in the development of the children’s scheme will be essential in ensuring transparency, ownership and understanding. Even though I have proposed changes to the scope of the due regard duty, the children’s scheme will still play an important role under this proposed Measure. As I have said on many occasions, we will be consulting extensively with those stakeholders that have an interest in the children’s scheme and the proposed Measure as a whole. The scheme would set out arrangements for compliance with the due regard duty, and any requirements additional to those on the face of the proposed Measure in respect of the content and timing of reports about the scheme, or compliance with the due regard duty. It would also include a statement of the Welsh Ministers’ proposals for consulting on the potential application of the proposed Measure to the 18 to 24 age range, and it would include any other matters that Welsh

Ministers consider appropriate.

1.50 p.m.

[84] So, bringing forward Government amendment 4 would give effect to recommendation 3 of this legislation committee. The amendment would mean that, in preparing a draft children's scheme or any revisions to it, Welsh Ministers would have to involve children and young persons, the Children's Commissioner for Wales, and any such persons or bodies that Ministers considered appropriate.

[85] I have given the committee a commitment that the Assembly Government would involve stakeholders in the development of the draft children's scheme. However, it is clearly the view of the committee that that should be enshrined as a legislative requirement and, if this is agreed, that will be done. I greatly hope that stakeholders would be prepared to take an active part in helping us to develop the scheme. As I have said, the scheme will include our arrangements for compliance with the due regard duty; in my view, these are very important in ensuring that there is transparency about Welsh Ministers' compliance. Therefore, I particularly hope that stakeholders will enthusiastically come forward to assist us with the development of arrangements for compliance that are not unduly burdensome and achieve the best use of resources. So, I ask the committee to support amendment 4.

[86] I ask the committee to resist non-Government amendment 17, which proposes consulting with a range of stakeholders before publishing the children's scheme in draft for further consultation. This is in many ways similar to the Government's amendment 4, which proposes that Welsh Ministers must ensure that stakeholders are involved in the preparation of the draft rather than simply consulting stakeholders before publishing a draft scheme. Andrew Davies is quite right to say that the Government's amendment 4 is a stronger and more meaningful requirement. It suggests a more intensive working relationship with, and greater influence by, stakeholders than is required by the wording of amendment 17.

[87] The other clear difference between the amendments is that the consultation list in amendment 17 includes the phrase

[88] 'parents, guardians, carers, or other persons legally responsible for children'.

[89] The proposed Measure, as amended by the Government's amendment 4, will mean that parents, guardians, and this wider group can be involved, in the same way as any other group that will be caught within the group defined as

[90] 'such other persons or bodies as the Welsh Ministers consider appropriate'.

[91] Indeed, I do not envisage any situation in which we would purposely wish to exclude parents as a group. We will involve stakeholders in an open and transparent way, in line with our current approach to such an exercise. The inclusion of parents in amendment 17 may be thought to be appropriate because the proposed Measure as currently drafted makes specific reference to consulting children and young persons, but the specific reference to children and young people is included because they may not automatically be included, as we all know, as a matter of course in such exercises or have the same access to formal consultations as adults. The same is not true of adults. Similarly, without the inclusion of children and young people, documentation may not normally be produced in a way that allows them to engage fully. So, I ask the committee to resist non-Government amendment 17.

[92] Likewise, I ask the committee to resist non-Government amendment 16. The purpose of this amendment is to place a statutory duty on Welsh Ministers to have regard to the consultation responses that they receive when making, remaking, or revising the children's

scheme. In my previous evidence to this committee, I responded to the suggestions made by the committee about including such a duty and explained that this duty is not needed. I have explained that a common law duty already exists that requires Welsh Ministers to consider and have regard to the consultation responses that they receive. It is clear that this proposed amendment and its provision will not add in any significant way to the duty that the Welsh Ministers will be under as a matter of well-established public law. When considered in this light, it is clear that adding such provision is unnecessary. Given that a common law duty already exists, this amendment would serve only to lengthen the legislation and make it more complicated than it needs to be, and it represents a duplication of a common law duty that already exists and operates effectively across Government.

[93] I would also point out that the drafting of the amendment is not as clear as it might have been. It would require Welsh Ministers to have regard to the outcome of consultation; arguably, the outcome of consultation is what Welsh Ministers do to the scheme having taken on board consultation responses, rather than meaning the consultation responses themselves. Therefore, I ask the committee to resist this amendment.

[94] Similarly, I ask the committee to resist non-Government amendment 18, which adds to the current list of named individuals who are required to be consulted on the draft of the scheme. This amendment would add to the list parents, guardians, carers or other persons who are legally responsible for children—that phrase again. The points that I have already made in respect of non-Government amendment 17 apply equally to amendment 18.

[95] Parents will have the same opportunities to respond to any consultation exercise in the same way as any other group. We intend to undertake these exercises in an open and transparent way, in line with our current approaches. Under common law, we have to conduct any consultation in a reasonable way, and that would include parents or those with parental responsibility as a matter of course. We could not exclude parents from that, and we would not wish to do so.

[96] Specific reference has been made to children and young people, as they otherwise might not be included as a matter of course in such exercises. Without the inclusion of children and young people, documentation may not normally be produced in such a way, as I have said before, that allows them to engage fully.

[97] Given this context, I do not believe that this amendment is necessary either, so I ask the committee to resist non-Government amendment 18.

[98] **David Melding:** I am troubled by the Deputy Minister's response to amendment 17 in that he does not think that it is necessary to refer to parents, guardians or carers, because the Welsh Assembly Government would have due regard to them as other persons or bodies that it may consider appropriate. I am always concerned when a vague cover-all clause is used to justify the prevention of other clauses because they are already covered. If you intend to consult parents, guardians and carers, given their critical role in the life outcomes of children, why should they not be listed? I find it very strange that you find that difficult to do. It would strengthen the proposed Measure if they were referred to explicitly.

[99] I also regret Andrew Davies' objection to including parents, guardians, carers and others responsible for children on the grounds that that category would probably include, in general terms, some people who may be wrongdoers. I remind him that any category of persons could and probably would, if very generally applied, include some wrongdoers—I am afraid that original sin sees to that. Even some children and young persons may be responsible for bullying other children and young persons, so I do not regard that as a substantive point. The essence of this is that, if the Deputy Minister is so determined to consult parents, guardians and carers, why can they not appear explicitly in the list of people who have to be

consulted? I give way to Alun Davies.

[100] **Alun Davies:** Thank you very much for doing so. One of the things that we found in taking evidence on this proposed legislation was that this matter was not raised by any stakeholder or consultee. It came up almost by accident right at the end of our deliberations. As a consequence, if I felt that the Government was seeking to exclude the groups to which you refer, I would support your amendment, quite frankly. However, the Government's position is that it will involve all people in consultation in this way. That is the consensus position of most of the consultation responses that we received on this proposed legislation.

[101] **David Melding:** Thank you for that intervention, although I am completely unpersuaded by your non-logic. It is our role as legislators to apply due diligence and to use our powers of anticipation to see where a piece of proposed legislation may be flawed. I have not heard a convincing argument that would persuade reasonable people not to support amendment 17.

[102] **Mark Isherwood:** Do you wish to proceed to a vote?

[103] **David Melding:** I do.

[104] **Mark Isherwood:** The question is that amendment 17 be agreed to. I call for a vote.

*Gwelliant 17: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 17: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Melding, David
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Davies, Andrew
Wood, Leanne

*Gwrthodwyd gwelliant 17.
Amendment 17 not agreed.*

2.00 p.m.

[105] **Mark Isherwood:** We now move to dispose of amendment 4. Deputy Minister, would you like amendment 4 in your name to be moved?

[106] **Huw Lewis:** I would.

[107] **Mark Isherwood:** I move amendment 4 in the name of the Deputy Minister. The question is that amendment 4 be agreed to. I call for a vote.

*Gwelliant 4: O blaid 4, Ymatal 0, Yn erbyn 1.
Amendment 4: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Davies, Andrew
Randerson, Jenny
Wood, Leanne

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Melding, David

Derbyniwyd gwelliant 4.

Amendment 4 agreed.

[108] **Mark Isherwood:** We now move to dispose of amendment 16. Jenny, would you like to move amendment 16?

[109] **Jenny Randerson:** I would. I move amendment 16 in the name of Eleanor Burnham and with the name of Darren Millar in support.

[110] **Mark Isherwood:** Thank you. The question is that amendment 16 be agreed to. I call for a vote.

*Gwelliant 16: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 16: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Melding, David
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Davies, Andrew
Wood, Leanne

*Gwrthodwyd gwelliant 16.
Amendment 16 not agreed.*

[111] **Mark Isherwood:** We now move to dispose of amendment 18. David, would you like to move amendment 18?

[112] **David Melding:** I would. I move amendment 18 in the name of Darren Millar and with the name of Eleanor Burnham in support.

[113] **Mark Isherwood:** The question is that amendment 18 be agreed to. I call for a vote.

*Gwelliant 18: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 18: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Melding, David
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Alun
Davies, Andrew
Wood, Leanne

*Gwrthodwyd gwelliant 18.
Amendment 18 not agreed.*

Grŵp 5: Adrodd (Gwelliant 19) Group 5: Reporting (Amendment 19)

[114] **Mark Isherwood:** The lead and only amendment is amendment 19, and I call on David Melding to move the amendment.

[115] **David Melding:** I move amendment 19 in the name of Darren Millar and with the name of Eleanor Burnham in support.

[116] We all agree that this proposed Measure is very important and will be a landmark in terms of protecting children and young people. Therefore, we believe the reporting mechanism ought to be annual rather than every five years, or some other length of time as

stipulated by the Minister. We feel that the annual reporting scheme would allow for greater monitoring of scrutiny, so that we can ensure that the proposed Measure achieves maximum success when it is applied in practice. I urge Members to support an annual reporting regime.

[117] **Mark Isherwood:** Do any other Members wish to speak? I see that they do not. In which case, I call upon the Deputy Minister to respond.

[118] **Huw Lewis:** Thank you, Chair. I ask Members to resist this non-Government amendment. The amendment aims, as David has mentioned, to introduce a requirement to produce an annual report on how Welsh Ministers have complied with the duty under section 1. My previous evidence has made it clear that the current reporting cycle to the United Nations Committee by the UK state party is at five-yearly intervals. Reporting on compliance with the section 1 duty is designed to fit with that wider requirement. The first scheme will require a report to be produced within a year of it being laid, before 31 January 2013. That first report will provide a valuable opportunity to assess and report on the early stages of our compliance with the due regard duty, and, following this, we can consider how our arrangements for compliance are working and whether any adjustments are needed.

[119] I am aware that a few requests were made to increase the frequency of reporting provided for on the face of the proposed Measure. However, that has been far from universal and many agreed with, and understood, the reason for a five-yearly reporting cycle. I have made it clear in my evidence that reports on any aspect of this work could be requested through the normal business processes of the National Assembly. Similarly, an increased reporting frequency could be included as part of the development of the scheme, but maintaining the five-year reporting cycle will help ensure that sufficient priority is given to complying with the central due regard duty in the proposed Measure. This is where the largest benefit will be realised for children and young people. It is important to understand that any increase in the reporting frequency or requirements will divert energy and resources away from compliance and delivery itself. In so doing, it will increase the administrative burden on the Government unnecessarily, I believe, without achieving any real benefits. Therefore, I ask the committee to resist non-Government amendment 19.

[120] **Mark Isherwood:** I call on David to reply.

[121] **David Melding:** We were troubled by the Government's response, because if this is a crucial proposed Measure, as we all agree that it is, I would have thought that the effort required to report annually would be regarded as being well worth while. The practical consequence of the Government's approach is that the legislation will be properly evaluated every five years—I do not doubt that. However, it will not be monitored, and that is the real problem. We do not want to wait five years to realise that an element is not being addressed properly, that changes need to be made and that the practical execution of the duties needs to be more rigorous. We need a system that is regular enough to allow us to monitor. You do not monitor once every five years; you monitor annually. That is a reasonable timescale, and it is in our amendment 19. I hope that Members will see the logic and reason for this position.

[122] **Mark Isherwood:** Do you wish to proceed to a vote on an amendment 19?

[123] **David Melding:** Yes.

[124] **Mark Isherwood:** The question is that amendment 19 be agreed to. I call for a vote.

*Gwelliant 19: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 19: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:

Pleidleisiodd yr Aelodau canlynol yn erbyn:

The following Members voted for:

Melding, David
Randerson, Jenny

The following Members voted against:

Davies, Alun
Davies, Andrew
Wood, Leanne

*Gwrthodwyd gwelliant 19.
Amendment 19 not agreed.*

[125] **Mark Isherwood:** In accordance with the marshalled list, we now move to dispose of amendment 20, which was debated as part of group 2. Members should be aware that, if amendment 20 is not agreed, amendment 23 will fall. David, would you like to move amendment 20?

[126] **David Melding:** I feel that, given that amendment 22 was not agreed, it is not necessary to move amendment 20. However, I reserve the right for the group to seek to amend the proposed Measure when it returns to Plenary.

[127] **Mark Isherwood:** Does any Member object? I see that there are no objections.

*Ni chynigiwyd gwelliant 20.
Amendment 20 not moved.*

**Grŵp 6: Diwygio Adran 8 o'r Mesur Arfaethedig (Gwelliannau 5, 6 a 7)
Group 6: Amending Section 8 of the Proposed Measure (Amendments 5, 6 and 7)**

[128] **Mark Isherwood:** The lead amendment in this group is amendment 5. Deputy Minister, would you like amendment 5 in your name to be moved?

[129] **Huw Lewis:** I would, thank you.

[130] **Mark Isherwood:** I move amendment 5 in the name of the Deputy Minister, and call on him to speak to amendment 5 and the other amendments in the group.

[131] **Huw Lewis:** This group of amendments, group 6, comprising Government amendments 5, 6 and 7, deals with narrowing the powers of Ministers—a rare thing. The Government's amendments in group 6 aim to address the concerns raised during the scrutiny process about the breadth of the powers in sections 8(5), 8(7) and 8(8), which must be used in situations where the UK has signed or ratified an amendment to the UNCRC, an optional protocol or a new protocol. Similarly, that provision covers situations where a change has occurred in a declaration or reservation made by the UK state. The purpose of amendments 5, 6 and 7 to section 8 of the proposed Measure is to make more explicit the narrowness of the powers to make amendments to the proposed Measure, and to reflect changes to the UK's UNCRC obligations. At the moment, the proposed Measure states that the Welsh Ministers may make

[132] 'such amendments to this Measure as they consider appropriate'

[133] to reflect amendments to the UNCRC, to a protocol, a new protocol or any declaration or reservation by the UK in respect of those things. Amendments 5, 6 and 7 remove the phrase 'as they consider appropriate' to make it clearer that there is no real scope for discretion as to the amendments the Welsh Ministers can make; they can only faithfully reflect changes to the UK's UNCRC obligations. In other words, it is a technical measure to keep up to date with the UNCRC as it might evolve. Amendments 5 and 6 also limit the parts of the proposed Measure that can be amended to sections 1(1), 8(1), 8(2) and 8(3) and the Schedule, those being the parts of the proposed Measure that contain detail about the

provisions of the UNCRC and its protocols, to which the Welsh Ministers must have due regard. Amendment 7 relates to the duty on the Welsh Ministers in section 8(8) to make amendments to Part 3 of the Schedule, which is where declarations and reservations made by the UK in respect of the UNCRC and protocols are set out. I ask the committee to support all the amendments in group 6: Government amendments 5, 6 and 7.

2.10 p.m.

[134] **Mark Isherwood:** Do any other Members wish to speak?

[135] **Andrew Davies:** Again, I want to thank the Deputy Minister. One reason why I opposed the original wording of ‘decisions of a strategic nature’ was that my clear understanding was that the legislation was to hold Ministers to account and yet Ministers were virtually defining the terms on which they would be held to account. I am not sure to what extent this is a precedent in terms of reducing the discretion of Welsh Ministers. Your ministerial colleagues may not be thankful for your setting this precedent in future, but I would like to support the Deputy Minister on amendment 5.

[136] **Alun Davies:** Hallelujah. I am delighted to see these amendments from the Government. I have been a member of the Constitutional Affairs Committee and the previous Subordinate Legislation Committee throughout this Assembly. We have spoken time and again about Ministers taking powers that are not required and Ministers taking powers in order to define the way in which they will be able to operate subsequent to legislation being passed. This is the first time that I remember a Minister coming back to a committee with amendments that seek to limit the powers available to the Executive. I hope that it is something that every member of this committee can support, and I hope that it sets a precedent for further legislation that we will allow the Executive the powers it requires to carry out the legislation, but not powers it does not need. This sets an excellent precedent and I am delighted to welcome it.

[137] **David Melding:** The Welsh Conservative party is happy to support these amendments. We acknowledge the change in behaviour in this instance of the Welsh Assembly Government, and we hope that it soon becomes habitual.

[138] **Jenny Randerson:** We had prepared amendments to achieve a similar thing. However, on seeing the Government’s amendments, we chose not to pursue those. Just for once, the Government amendments go not just as far as the committee’s recommendation but further, and we wholeheartedly welcome that.

[139] **Mark Isherwood:** Deputy Minister, do you wish to respond?

[140] **Huw Lewis:** Only to say, Chair, that I am now profoundly nervous about committee members’ comments and the thrust of these amendments. [*Laughter.*] However, I ask the committee to support Government amendments 5, 6 and 7.

[141] **Mark Isherwood:** Do you therefore wish to proceed to a vote on amendment 5?

[142] **Huw Lewis:** Yes, please.

[143] **Mark Isherwood:** The question is that amendment 5 be agreed to. I call for a vote.

*Gwelliant 5: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 5: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:

The following Members voted for:

Davies, Alun
Davies, Andrew
Melding, David
Randerson, Jenny
Wood, Leanne

*Derbyniwyd gwelliant 5.
Amendment 5 agreed.*

[144] **Mark Isherwood:** We move to dispose of amendment 6. Deputy Minister, would you like amendment 6 in your name to be moved?

[145] **Huw Lewis:** I would, thanks.

[146] **Mark Isherwood:** I move amendment 6 in the name of the Deputy Minister. The question is that amendment 6 be agreed to. I call for a vote.

*Gwelliant 6: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 6: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Davies, Andrew
Melding, David
Randerson, Jenny
Wood, Leanne

*Derbyniwyd gwelliant 6.
Amendment 6 agreed.*

[147] **Mark Isherwood:** We move to dispose of amendment 7. Deputy Minister, would you like amendment 7 in your name to be moved?

[148] **Huw Lewis:** I would, thanks.

[149] **Mark Isherwood:** I move amendment 7 in the name of the Deputy Minister. The question is that amendment 7 be agreed to. I call for a vote.

*Gwelliant 7: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 7: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Davies, Andrew
Melding, David
Randerson, Jenny
Wood, Leanne

*Derbyniwyd gwelliant 7.
Amendment 7 agreed.*

Grŵp 7: Darpariaethau Dehongli (Gwelliannau 8 a 9)
Group 7: Interpretive Provisions (Amendments 8 and 9)

[150] **Mark Isherwood:** The lead amendment is amendment 8. Deputy Minister, would you like amendment 8 in your name to be moved?

[151] **Huw Lewis:** I would, thank you, Chair.

[152] **Mark Isherwood:** I move amendment 8 in the name of the Deputy Minister. I invite the Deputy Minister to speak to amendment 8 and the other amendment in the group.

[153] **Huw Lewis:** Thank you, Chair. Government amendments 8 and 9 are essentially technical in nature and are necessary if there is to be a 'yes' vote in any referendum next year. They deal with the definition of 'enactment' in section 9 of the proposed Measure. They extend the definition of that word to include Assembly Acts and subordinate legislation made under Assembly Acts, if there is a 'yes' vote in the referendum on whether the Assembly should have the power to pass Acts under Part 4 of the Government of Wales Act 2006. So, the term 'enactment' appears in section 6 of the proposed Measure, where it is used to describe legislation that may be amended by Order to give further or better effect to the UNCRC. This amendment to the definition will mean that Assembly Acts and subordinate legislation made under Assembly Acts could be amended under the section 6 power.

[154] The term also appears in amendment 2, which puts in place an interim version of the due regard duty between 1 May 2012 and 30 April 2014. The inclusion of Assembly Acts and subordinate legislation made under Assembly Acts in the definition of 'enactment' would mean that the Welsh Ministers would have to have due regard to the UNCRC when making decisions about provisions proposed to be included in an Assembly Act and in subordinate legislation to be made under such an Act. These amendments mean that consequential amendments do not have to be made on the definition of 'enactment' if there is a 'yes' vote in the referendum. I ask the committee to support these amendments.

[155] **Mark Isherwood:** Do any other Members wish to speak at this point? I see that they do not. Do you have any comments that you would like to add before we move on, Deputy Minister?

[156] **Huw Lewis:** No, Chair.

[157] **Mark Isherwood:** Deputy Minister, do you wish to proceed to a vote on amendment 8?

[158] **Huw Lewis:** I do.

[159] **Mark Isherwood:** The question is that amendment 8 be agreed to. I call for a vote.

Gwelliant 8: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 8: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Davies, Andrew
Melding, David
Randerson, Jenny
Wood, Leanne

*Derbyniwyd gwelliant 8.
Amendment 8 agreed.*

[160] **Mark Isherwood:** Deputy Minister, would you like amendment 9 in your name to be moved?

[161] **Huw Lewis:** I would, Chair.

[162] **Mark Isherwood:** I formally move amendment 9 in the name of Huw Lewis. The question is that amendment 9 be agreed to. I call for a vote.

*Gwelliant 9: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 9: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Alun
Davies, Andrew
Melding, David
Randerson, Jenny
Wood, Leanne

*Derbyniwyd gwelliant 9.
Amendment 9 agreed.*

[163] **Mark Isherwood:** In accordance with the marshalled list, we now move to dispose of amendment 21, which was debated with group 9. David, would you like to move amendment 21?

[164] **David Melding:** I move amendment 21 in the name of Darren Millar with the name of Eleanor Burnham in support.

[165] **Mark Isherwood:** The question is that amendment 21 be agreed to. I call for a vote.

*Gwelliant 21: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 21: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Melding, David
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn :
The following Members voted against:

Davies, Alun
Davies, Andrew
Wood, Leanne

*Gwrthodwyd gwelliant 21.
Amendment 21 not agreed.*

**Grŵp 8: Y Weithdrefn ar gyfer Gwneud Is-ddeddfwriaeth (Gwelliant 10)
Group 8: Procedure for Making Subordinate Legislation (Amendment 10)**

[166] **Mark Isherwood:** We now move to group 8, which relates to the procedure for making subordinate legislation. Amendment 10 is the lead and only amendment in the group. Deputy Minister, would you like amendment 10 in your name to be moved?

[167] **Huw Lewis:** Yes, please.

[168] **Mark Isherwood:** I formally move amendment 10 and call on the Deputy Minister to

speak to the amendment.

[169] **Huw Lewis:** I ask you to support amendment 10, which is a Government amendment. It extends the time for scrutiny to 40 days. It aims to address the concerns raised during Stage 1 of the scrutiny process that there is insufficient time for the Assembly to scrutinise draft Orders under sections 6 and 7 and that there is no opportunity for the Assembly to scrutinise draft Orders under section 8 before they are made by the Welsh Ministers. With a view to securing greater opportunity for the scrutiny of Orders under section 6, the Constitutional Affairs Committee recommended that any proposals issued for consultation under section 6(4) of the proposed Measure be laid before the Assembly also. This committee endorsed that recommendation. However, if the Welsh Ministers were proposing to use a section 6 power, it is likely that the Government would carry out a public consultation. In that case, any proposals would be freely available on the Welsh Assembly Government's website and could be fully scrutinised by the Assembly, if it so chose. Accordingly, it seems to me that the most effective way of addressing the committee's concern is to enhance the affirmative procedure that is applicable to section 6 Orders, so that the Assembly is guaranteed more time to consider the Orders in draft. Therefore, this amendment means that a draft Order under section 6 must be laid before the Assembly for a minimum period of 40 days before a vote can be taken on whether to approve it. That is double the minimum period, which is provided for by Standing Orders.

2.20 p.m.

[170] Turning to how the amendments relate to section 7 Orders, the Constitutional Affairs Committee and this committee recommended that a superaffirmative procedure should apply to these Orders. As we have discussed before, there is not really any fixed concept of a superaffirmative procedure. This amendment will enhance the affirmative procedure applying to section 7 Orders so that a draft Order must be laid before the Assembly for a minimum period of 40 days before a vote can be taken on whether to approve it.

[171] I should also talk about how the amendment relates to section 8 Orders. This committee and the Constitutional Affairs Committee recommended that an affirmative procedure apply to Orders under section 8. This amendment does not go as far as that, because the Welsh Assembly Government remains of the view that it would not be appropriate for the Assembly to be able to refuse to approve an Order that is merely keeping the content of the Measure in line with the UK's UNCRC obligations. However, the amendment does require the Welsh Ministers to lay Orders in draft before the Assembly for a period of 40 days, before the Welsh Ministers can make them. That would allow the Assembly adequate time to scrutinise those Orders and to raise the matter with the Welsh Ministers if it thought that the Welsh Ministers were trying to go beyond the boundaries of this narrow power.

[172] **Mark Isherwood:** Do any Members wish to speak?

[173] **Alun Davies:** This was also an issue that was discussed at some length by the Constitutional Affairs Committee, and is also an issue that has been raised with a number of pieces of legislation. The committee has concerns about the way in which Ministers are able to lay Orders. We are pleased to see this amendment, which provides Assembly Members and others with the time necessary to consider the implications and consequences of Orders made under these sections. The Constitutional Affairs Committee has argued for it on a number of occasions with a number of pieces of legislation, although not always successfully. It is to be welcomed that the Deputy Minister has responded so forthrightly to that request and has tabled this particular amendment.

[174] **Mark Isherwood:** Does anyone else wish to speak? I see that no-one wishes to add

anything. Do you wish to respond further, Deputy Minister?

[175] **Huw Lewis:** No, thank you, Chair.

[176] **Mark Isherwood:** In which case, Deputy Minister, do you wish to proceed to a vote on amendment 10?

[177] **Huw Lewis:** I do, thank you.

[178] **Mark Isherwood:** The question is that amendment 10 be agreed to. I call for a vote.

*Gwelliant 10: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 10: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrew Davies
Alun Davies
David Melding
Jenny Randerson
Leanne Wood

*Derbyniwyd gwelliant 10.
Amendment 10 agreed.*

Grŵp 9: Cychwyn (Gwelliannau 11 a 12)
Group 9: Commencement (Amendments 11 and 12)

[179] **Mark Isherwood:** The lead amendment in this group is amendment 11. Deputy Minister, would you like amendment 11 in your name to be moved?

[180] **Huw Lewis:** Yes, thank you, Chair.

[181] **Mark Isherwood:** I formally move amendment 11 in the name of Huw Lewis and call on the Deputy Minister to speak to amendment 11 and the other amendment in the group.

[182] **Huw Lewis:** Essentially, Government amendments 11 and 12 are technical amendments. They both relate to adjusting the content of section 11 with the aim of bringing it in line with changes to the dates on which the duty on the Welsh Ministers to have due regard to the UNCRC in section 1 will become operative. Government amendment 11 removes section 11(1) under which the Welsh Ministers would have made an Order to commence the due regard duty after the children's scheme had been made. That commencement power is no longer required because, as a result of Government amendments 1 and 2, provision will be made in section 1 of the proposed Measure so that the two versions of the due regard duty will apply from 1 May 2012 and 1 May 2014 respectively. I ask the committee to support Government amendment 11.

[183] Government amendment 12 has the effect of bringing all the provisions of the proposed Measure into force two months after it has been approved by Her Majesty The Queen. Government amendments to section 1 of the proposed Measure, which state the dates from which the two versions of the due regard duty will apply mean that there is no need for the Welsh Ministers to have a power to commence the section 1 due regard duty. Accordingly, section 1 can come into force at the same time as all the other sections of the Measure. Therefore, I ask the committee to support these two amendments.

[184] **Mark Isherwood:** Do any other Members wish to speak?

[185] **David Melding:** As we oppose the introduction of any time lag, we feel that these amendments are inappropriate and we will oppose them.

[186] **Mark Isherwood:** Does anyone else wish to speak at this point? Deputy Minister, do you wish to add any comments?

[187] **Huw Lewis:** No, Chair.

[188] **Mark Isherwood:** In which case, do you wish to proceed to a vote on amendment 11?

[189] **Huw Lewis:** I do.

[190] **Mark Isherwood:** The question is that amendment 11 be agreed to. I call for a vote.

*Gwelliant 11: O blaid 3, Ymatal 1, Yn erbyn 1.
Amendment 11: For 3, Abstain 1, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Andrew
Davies, Alun
Wood, Leanne

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Melding, David

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Randerson, Jenny

*Derbyniwyd gwelliant 11.
Amendment 11 agreed.*

[191] **Mark Isherwood:** Deputy Minister, would you like amendment 12 in your name to be moved?

[192] **Huw Lewis:** I would.

[193] **Mark Isherwood:** I therefore formally move amendment 12 in the name of Huw Lewis. The question is that amendment 12 be agreed to. I call for a vote.

*Gwelliant 12: O blaid 4, Ymatal 0, Yn erbyn 1.
Amendment 12: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Andrew
Davies, Alun
Randerson, Jenny
Wood, Leanne

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Melding, David

*Derbyniwyd gwelliant 12.
Amendment 12 agreed.*

Grŵp 10: Gwneud Iawn (Gwelliant 24)
Group 10: Redress (Amendment 24)

[194] **Mark Isherwood:** The lead and only amendment in this final group of amendments is amendment 24. I invite David Melding to move amendment 24.

[195] **David Melding:** I move amendment 24 in the name of Darren Millar with the name of Eleanor Burnham in support.

[196] This amendment would create a single and simple system of redress for children. At the moment, they have to rely on the daunting prospect of a judicial review. It also places the Children's Commissioner for Wales at the heart of the process and reflects the authority of that office and the way in which it has been embedded in Welsh policy and public life. If children feel that Ministers have breached their duties, we feel it appropriate that they receive the support to take issues forward, which will improve the way in which this proposed Measure is implemented over time. We feel that the children's commissioner is an office of sufficient weight and judgment to know how to deal with cases relating to this proposed Measure and take forward those that are of due seriousness. Just relying on judicial review is, in most practical circumstances, a way of stopping any redress from being taken forward.

[197] **Andrew Davies:** This was an issue that I raised during the scrutiny process, as the Deputy Minister will be aware. However, since then, I have been given assurances that, in fact, the children's commissioner already has the powers to allow children and young people to seek redress. Indeed, I believe that the children's commissioner has also acknowledged that that is the case. So, I am satisfied that the legislation takes into account my concerns. However, I will take that up with the commissioner and the Public Services Ombudsman for Wales, because that office would clearly have a role here, as well. So, as the proposed Measure is currently drafted and with the assurances that I have been given, I am satisfied with the Government position and I will oppose the amendment in the name of Darren Millar.

[198] **Alun Davies:** I also shared Andrew's concerns about this matter during scrutiny, but the work that the Deputy Minister has done since then has meant that assurances have been given as it has been demonstrated that the children's commissioner is already at the centre of this process and is in a position to take up these issues. So, with those assurances, I am also content.

[199] **Mark Isherwood:** I now call on the Deputy Minister to reply.

[200] **Huw Lewis:** In essence, this amendment states that a child can complain to the children's commissioner about an alleged failure by the Welsh Ministers to comply with the due regard duty. The commissioner could then look into the matter and make representations to the Welsh Ministers about that matter or more generally. However, that duplicates the provision that already exists in other legislation. I explained to the committee during the Stage 1 scrutiny process that my view is that the children's commissioner will be able, under his existing powers, to consider complaints from children about alleged failures by the Welsh Ministers to comply with the due regard duty.

2.30 p.m.

[201] Section 72B of the Care Standards Act 2000 says, among other things, that the children's commissioner may review the effect on children ordinarily resident in Wales of the exercise or proposed exercise of any function of the Welsh Ministers and First Minister. So, it is there in law. Therefore, if a child resident in Wales, or his or her representative, contacted the commissioner complaining about the Welsh Ministers' exercise of a function, the commissioner could review what they had done, including whether due regard had been paid

to the UNCRC and the result for the child. The commissioner would then be able to make representations to Welsh Ministers.

[202] The commissioner also has a wide power under section 75A of the Care Standards Act 2000 to consider and make representation to Welsh Ministers about any matter affecting the rights or welfare of children in Wales where he does not have the power to consider and make representations about the matter under any other statutory provision. So, that would enable him to make any representations about the operation of the proposed Measure that he wished.

[203] You will be aware from written evidence submitted by the commissioner in Stage 1 that he acknowledged—and I think that Alun mentioned this—that he has these powers. You will also be aware of the view that, under the Children’s Commissioner for Wales Regulations 2001, the commissioner could assist a child in making a complaint to the Public Services Ombudsman for Wales about an alleged failure to comply with the due regard duty. Now, on the powers of the ombudsman, it could consider a complaint from a child or their representative that the Welsh Ministers had not complied with the due regard duty. Under the Public Services Ombudsman (Wales) Act 2005, if the ombudsman considers that the complaint could fall within the powers of the commissioner to consider, then the ombudsman must consult the commissioner and co-operate with him or her. So, in accordance with the recommendation of the committee at Stage 1, my officials are entering into discussion with the commissioner and the ombudsman with a view to ensuring that an effective and efficient process exists for dealing with complaints from children that the due regard duty is not being complied with.

[204] You will recall that, during consideration at Stage 1, and in response to the concerns raised by the committee, I explained the mechanisms currently available to support children and young people if they wish to challenge Welsh Ministers and voice their concerns. The committee may also wish to note that the scheme contains provision for Welsh Ministers to include any other matters that they consider appropriate. This would seem to be the best place to include an explanation for children and young people of what they can do if they feel that a Welsh Minister has not complied and the support that is available to help them. Therefore, the scheme would not just explain arrangements for compliance, but what you can do if you think that a Welsh Minister has not complied. My view is that we should not create unnecessary legislative provision that duplicates provision elsewhere. It only makes legislation more complicated for users to follow. I ask the committee to resist non-Government amendment 24.

[205] **Mark Isherwood:** I call on David to reply.

[206] **David Melding:** This would create a simple and single system that explicitly refers to the children’s commissioner being at the heart of the redress issue, and which recognises fully the ethos of the UN convention. I do not find it convincing to say that, because there are various legal references in other legislation, provision should not appear here as well. The Government often brings forward legislation that consolidates existing legislation, and it seems to me perverse that the Government is resisting this amendment. I will therefore press it to a vote.

[207] **Mark Isherwood:** The question is that amendment 24 be agreed to. I call for a vote.

Gwelliant 24: O blaid 2, Ymatal 0, Yn erbyn 3.

Amendment 24: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Melding, David
Randerson, Jenny

Davies, Alun
Davies, Andrew
Wood, Leanne

*Gwrthodwyd gwelliant 24.
Amendment 24 not agreed.*

[208] **Mark Isherwood:** For the record, all sections of the proposed Measure have now been agreed by the committee. As we have disposed of all amendments, Stage 3 begins tomorrow. The deadline for tabling amendments will be notified to Members in due course and will be published in the Assembly's business notice. Under Standing Order No. 23.40, if a proposed Measure is amended at Stage 2 so as to insert a section or Schedule or substantially alter any existing provision, the committee considering the Stage 2 proceedings may request that the Member in charge prepare a revised explanatory memorandum. As such, do Members agree that the Welsh Government should prepare a revised explanatory memorandum? I see that you do.

[209] That therefore concludes Stage 2 proceedings of the Proposed Rights of Children and Young Persons (Wales) Measure. I thank the Deputy Minister, Natalie Lancey and all Members for their deliberations today.

*Daeth y cyfarfod i ben am 2.35 p.m.
The meeting ended at 2.35 p.m.*