

Standing Orders relating to committee business which require consideration by Business Committee are listed below. They are listed according to the agenda item.

Item 3.1 - Remits of committees: Standing Order 12.4

See BC(3)30-10 Paper 1: paragraphs 2 and 3

12.4 ~~In making determinations under Standing Order 12.2, or in~~ In tabling any motion under Standing Order 12.2 or 12.3, the Business Committee must ensure that:

- (i) every area of responsibility of the government and associated public bodies is subject to the scrutiny of a ~~scrutiny~~ committee;
- (ii) all matters relating to the legislative competence of the Assembly or executive competence of Welsh Ministers may be subject to the scrutiny of a committee; and
- (iii) where reasonably practicable, there is broad balance between the delivery of responsibilities specified in Standing Order 12.1(i) and 12.1(ii).

Amend this Standing Order

- The reference to “making determinations” is now redundant given that the Business Committee is required to table a motion or motions by SO 12.2 and 12.3.
- Following concerns raised in last week’s meeting, we would propose reverting to the original wording of 12.4 - using “is” in place of “may be” in SO 12.4(i) - to make clear that all aspects of government responsibility must be accountable to the Assembly’s committee system. This would replicate the current requirement on the Business committee under SO 12.4 to ensure that all areas of government responsibility are covered by the committee structure Business Committee proposes.
- As the revised Standing Order 12 would apply to legislative committees now as well, a similar provision has been inserted regarding legislative scrutiny in SO 12.4 (ii). When proposing the committee structure, Business Committee will be required to ensure that all areas of government responsibility and all legislative matters impacting on Wales may be subject to the scrutiny of a committee.
- 12.4(iii) places a requirement on the Business Committee to ensure that, where reasonably practicable, there is balance between the delivery of responsibilities relating to holding the government to account and responsibilities relating to the scrutiny of legislation.

Item 3.2 – Proposals for committee remits made by the Business Committee – voting arrangements: Standing Order 11.7

See BC(3)30-10 Paper 1: paragraph 4

11.7 The functions of the Committee must:

- (i) ~~to comment on proposals for the organisation of government business (which must be determined under Standing Order 6.4) and non-government business in plenary;~~
- (ii) ~~to determine the organisation of Assembly business in plenary non-government business in plenary, subject to Standing Order 11.5(iv);~~
- (ii)A determine the proposal for the titles and remits of committees under Standing Order 12.2 or 12.3, subject to Standing Order 11.5(iv)
- (iii) ~~to determine the organisation of Assembly business in plenary;~~
- (iv) ~~to make recommendations on the general practice and procedure of the Assembly in the conduct of its business (including any proposals for the re-making or revision of Standing Orders, or any part thereof);~~
- (v) undertake the functions assigned to the Committee in Standing Orders.

Amend this Standing Order

The Business Committee agreed in principle to amend this Standing Order at its meeting on the 9 November 2010.

However, part of the proposed new approach to the committee structure which the Business Committee agreed in principle at its meeting on 9 November would require a further amendment to Standing Order 11, through the addition of 11.7(ii)A as follows:

11.7 (ii)A - it is proposed that any decision taken by the Business Committee on the proposal for the titles and remits of committees would be subject to qualified weighted voting in accordance with SO 11.5(iv), as currently applies to the determination of non-government business in plenary, not full weighted voting.

NB. Business Managers may wish to note that, following its agreement in principle on 9 November, Standing Order 11 will now be re-located to Standing Order 6 – Organisation of Business. It is referred to as SO 11.7 in this paper for ease of reference.

Item 3.3 - Chairs of committees: Standing Order 10.18 - 10.19
See BC(3)30-10 Paper 1: paragraphs 5 - 8

Chairs

<p>10.18 Each committee must elect a chair. In doing so the committee must, <u>in consultation with the Business Committee</u>, have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong.</p>	<p>Amend this Standing Order</p> <p>Business Managers requested alternative options to reflect the current practice by which nominees for chairs are identified by party groups. Business Managers are invited to consider the following options:</p> <p><u>Option 1:</u> Last week’s proposal whereby 10.18 is amended to ensure that each committee, in electing a chair, must do so in consultation with the Business Committee to ensure that an overview of all committees is taken when deciding on the matter of balance across the whole committee structure. [This proposal is provided in the left hand column]</p> <p><u>Option 2:</u> Maintain the status quo by leaving the Standing Orders unchanged</p> <p><u>Option 3</u> Removing the mechanism that permits committees to elect a chair (SO 10.18) and replacing it with a mechanism by which party groups provide the Business Committee with the name of the member they wish to appoint to any committee upon which they hold the chair [wording will be provided by the Business Committee Secretariat at a future meeting should Business Managers choose this option]</p> <ul style="list-style-type: none"> • It would then be for the Business Committee to name the chair when tabling the motion under new SO 10.3 that proposes the committee’s membership
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	<ul style="list-style-type: none"> • Current SO 10.18 includes an obligation to have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong. Business Managers would need to consider whether to maintain this in any revised Standing Orders. • Any change of chair (a fairly regular occurrence during the Third Assembly) would have to go before plenary for the Assembly’s approval on a motion tabled by the Business Committee on each occasion. <p>The fundamental question is whether Members wish to enshrine further the role of party groups in the selection of committee chairs or to leave open the potential for future Assemblies to allow committees to elect their own chairs.</p>
<p>10.18A <u>Proceedings for the election of a chair are to be chaired by the clerk to the committee. The clerk to the committee must invite nominations. If there is only one nomination, the clerk to the committee must propose that the Member nominated be elected as chair. If that is opposed, or if there are two or more nominations, the clerk to the committee must make arrangements for the election to take place in accordance with Standing Order 10.32.</u></p>	<p>Insert new Standing Order [if option 1 above is chosen]</p> <p>Standing Order 10 does not currently provide clarity on the procedures for the election of committee chairs. It is proposed that Standing Orders are amended to reflect the accepted way in which chairs are elected in the Third Assembly and to reflect similar procedures for the election of other office holders such as the Presiding and Deputy Presiding Officer.</p>
<p>10.19 Each committee has the power to appoint a temporary chair in the absence of its chair <u>in accordance with Standing Order 10.18.</u></p>	<p>Amend this Standing Order [if option 1 above is chosen]</p> <p>This amendment is proposed to ensure consistency in the election of a permanent and temporary chair by referring to the procedures included in SO 10.18A.</p> <p>If Business Managers agree to proposal (ii) above (removing the</p>

	<p>mechanism that permits committees to elect a chair) it is proposed that current SO 10.19 is retained without amendment. Detail for procedures to appoint a temporary chair could be provided in committee guidance if necessary.</p>
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<p>Item 3.4 - Quorum: Standing Order 10.31</p> <p><i>See BC(3)30-10 Paper 1: paragraphs 9 and 10</i></p>	
<p>10.31 On declaring a meeting inquorate under Standing Order 10.29 or 10.30 the chair, or in the absence of the chair the clerk to the committee, must suspend the meeting until a quorum is present. But if a quorum is not present within <u>20 minutes a time specified by the chair (or in the absence of the chair the clerk to the committee)</u> the meeting will stand adjourned.</p>	<p>Amend this Standing Order</p> <p>Business Managers requested alternative options and are invited to consider the following:</p> <p><u>Option 1</u> Last week’s proposal whereby the reference to a 20 minute cut-off is removed from Standing Order 10.31 and replaced with a cut-off time specified by the chair (or, in the absence of the chair, the clerk to allow for greater flexibility in committee proceedings). [This proposal is provided in the left hand column]</p> <p><u>Option 2:</u> Maintain the status quo by leaving the Standing Orders unchanged</p> <p><u>Option 3</u> Specify a maximum cut-off time (e.g. 30 or 40 minutes), but allowing the chair the discretion, where reasonable and appropriate, to adjourn before that maximum time if he or she is aware that the committee will not be quorate before the maximum time is reached.</p>

Item 3.5 – Openness of committees – publication of documents: Standing Order 10.36A

See BC(3)30-10 Paper 1: paragraph 11

10.36A Where written material submitted to a committee by members of the public in relation to proceedings of the committee, including evidence submitted or documents produced in response to an invitation under Standing Orders 10.44, is published on behalf of the Committee, that material is to be regarded as published:

(i) under the authority of the Assembly (for the purpose of section 42(1)(b) of the Act (Defamation); and

(ii) for the purposes of Assembly proceedings (for the purpose of section 43(1)(b) of the Act (Contempt of Court)).

Insert new Standing Order

It is proposed that a new Standing Order is inserted here to ensure that a specific reference is made to the publication of documents submitted by the public for consideration by a Committee.

This change is proposed to bolster the legal protection for the contents of what is published. Business Managers agreed the change in principle but noted their concern in last week’s meeting that the wording required strengthening.

To address Business Managers’ concerns, we propose a new wording for SO 10.36A to explicitly state that, where written material submitted to a committee by the public is published on behalf of that committee, it is covered for the purposes of sections 42 and 43 of the Government of Wales Act 2006. These are the sections of the Act that:

- confer privilege for the purposes of the law of defamation on any statement made in a publication under the authority of the Assembly; and
- disapply the strict liability rule for the purposes of the law of contempt of court to any publication made in, for the purpose of, or for purposes incidental, to Assembly proceedings.