



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

**Y Pwyllgor Busnes
The Business Committee**

**Dydd Mawrth, 25 Ionawr 2011
Tuesday, 25 January 2011**

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi 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

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Jocelyn Davies	Plaid Cymru The Party of Wales
Dafydd Elis-Thomas (Y Llywydd/The Presiding Officer)	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Jane Hutt	Llafur (Y Gweinidog dros Fusnes a'r Gyllideb) Labour (The Minister for Business and Budget)
Nick Ramsay	Ceidwadwyr Cymreig Welsh Conservatives

Eraill yn bresennol
Others in attendance

Aled Eurig	Cynghorydd y Pwyllgor Committee Adviser
Marion Stapleton	Pennaeth yr Is-adran Busnes y Cynulliad a Rheoli Deddfwriaeth, Llywodraeth Cynulliad Cymru Head of the Assembly Business and Legislation Management Division, Welsh Assembly Government

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

Adrian Crompton	Cyfarwyddwr Busnes y Cynulliad Director of Assembly Business
Anna Daniel	Clerc Clerk
Sulafa Halstead	Pennaeth Pwyllgorau'r Cynulliad Head of Assembly Committees
Llinos Madeley	Dirprwy Glerc Deputy Clerk
Siân Wilkins	Pennaeth Deddfwriaeth a Gwasanaethau'r Siambr Head of Legislation and Chamber Services

Dechreuodd y cyfarfod am 8.50 a.m.
The meeting began at 8.50 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Y Llywydd (Dafydd Elis-Thomas):** The Presiding Officer (Dafydd Elis-Thomas): Good morning. I will make the usual housekeeping announcements regarding fire exits and following the instructions of the ushers. Will everyone turn off their mobile phones, pagers and BlackBerrys? No-one is interfering with our broadcasting system next door, or anywhere else in the building. Interpretation is available on channel 1, and the verbatim feed is on

ichi sicrhau bod y golau coch yn gweithio ar y meicroffonau cyn ichi siarad.

channel 0. Please ensure that the red light is showing on your microphone before you speak.

[2] Heddiw, yr ydym yn cwblhau ystyried y cynigion i newid ein Rheolau Sefydlog. Byddwn yn trafod busnes cynnar yn dilyn etholiad Cynulliad, sef Rheol Sefydlog Rhif 7, y newidiadau arfaethedig sy'n ymwneud ag arloesedd ym musnes y Cyfarfod Llawn, sef Rheol Sefydlog Rhif 7, Cadeiryddion pwyllgorau, sef Rheol Sefydlog Rhif 10, trafodion Cyfnod 3, sef Rheol Sefydlog Rhif 23, cynigion cydsyniad deddfwriaethol, sef Rheol Sefydlog Rhif 26, ac unrhyw faterion eraill ynglŷn â gweithdrefnau cyllid, sef Rheol Sefydlog Rhif 27.

Today we conclude our consideration of proposals to change our Standing Orders. We will be considering matters relating to early business following an Assembly election, under Standing Order No. 7, innovation in Plenary business, under Standing Order No. 7, committee Chairs, under Standing Order No. 10, Stage 3 proceedings, under Standing Order No. 23, legislative consent motions, under Standing Order No. 26, and any outstanding issues relating to finance procedures, under Standing Order No. 27.

8.52 a.m.

**Newidiadau Arfaethedig sy'n ymwneud â Busnes Cynnar yn Dilyn Etholiad
Cynulliad (Diwygio Rheol Sefydlog Rhif 7)
Proposed Changes relating to Early Business Following an Assembly Election
(Amending Standing Order No. 7)**

**Penderfynu ar fusnes cynnar cyn penodi aelodau'r Pwyllgor Busnes
Determining early business prior to the appointment of the Business Committee**

[3] **Y Llywydd:** Y mater cyntaf i'w ystyried o dan yr eitem hon yw'r hyn a nodir ym mharagraffau 5 i 7 o bapur 1. Mae'r cynnig hwn yn tarddu o'r Rheol Sefydlog dros dro a ddefnyddiwyd ar ddechrau'r trydydd Cynulliad. A oes unrhyw sylwadau?

The Presiding Officer: The first issue for consideration under this item is what is contained in paragraphs 5 to 7 of paper 1. This proposal stems from the temporary Standing Order that was used at the start of the third Assembly. Are there any comments?

[4] **The Minister for Housing and Regeneration (Jocelyn Davies):** The inclusion of the consultation with the political parties is welcome. However, I believe that we should elect a temporary Business Committee at the first meeting—that would be useful. I understand from Standing Orders that the Minister with responsibility for business must table a motion as soon as possible to appoint members of the Business Committee. However, at that point, there is no Minister with responsibility for business, because there is no First Minister and no Government at that point. We know from previous experience that we could be in a position where several parties are negotiating together—and, perhaps, separately—so there could be plenty of negotiations under way, and the timing of a Plenary to elect the First Minister can cut across that. I do not believe that it should be left to a single individual, who would by then be the newly elected Presiding Officer, to judge that timing. So, I believe that we should have a temporary Business Committee, which is elected at the same time as the new Presiding Officer.

[5] **The Presiding Officer:** I will speak against this proposal, as you would expect, in order to protect the flexibility of our current position, and what happened when we operated the temporary Standing Order. I do not believe that it is sensible to establish a temporary Business Committee, and then to establish another Business Committee. The timing of the

Assembly meeting that elects a First Minister is not undertaken by an individual; it is undertaken by consultation between the parties. My recollection of that time at the beginning of this Assembly is clear; there was consultation, and only when it emerged that there was only one candidate for the position of First Minister was the meeting held. Of course, there were other issues involved then, because the whole operation of the new Assembly in 2007 arising out of the Act of 2006 was triggered by the election of the First Minister, and therefore it had a constitutional import, which, of course, you might argue that it will not have next time. The ability of the Assembly to organise its own first meeting to elect the First Minister without it becoming a matter of discussion within a Business Committee is a necessary flexibility if those consultations are to be conducted in a confidential and effective way, recognising the role of the Presiding Officer as the leader of democratic services in the Assembly, and of course the First Minister as the executive leader. Therefore it is important to ensure that that opportunity to elect the First Minister occurs when there is consensus in the Assembly. That is something that I would want to protect on the basis of my experience.

[6] **Jocelyn Davies:** There is a great deal in that that I would agree with, but of course the Standing Order does not say that the meeting to elect the First Minister will happen once the Presiding Officer is satisfied that there is only one candidate. There could be several candidates. I am saying that we need to have something here that means that there are discussions within parties, and I agree that that certainly happened last time, at your discretion. I would not suggest that a future Presiding Officer would not do that, but they certainly would not have to.

[7] **The Presiding Officer:** I think that they would. The convention has been sufficiently established in the way that we conducted ourselves. These are sensitive and difficult issues, and in the absence of a parliamentary monarchy, which is what you have in the United Kingdom, the only way that I think that you can effectively organise these things and ensure that they happen in a properly consulted way is by entrusting them to a person or an office that is able to communicate freely across parties, and, indeed, to ask often difficult political questions. Clearly, the Presiding Officer—although impartial in the carrying out of his duties—is very much someone who has political understanding; otherwise that person would not be elected to the job. It is at this time of movement towards the election of a First Minister, and the election of a new Government, that those skills are most needed. These are matters of Assembly convention rather than Standing Orders. What if you had a temporary Business Committee that took one view, a Presiding Officer who took another, and then a permanent Business Committee that, having been elected, took another view on any matter? It is very difficult terrain.

[8] **Jocelyn Davies:** However, the temporary Business Committee would only exist until the Government was formed and the election of the permanent Business Committee. Perhaps we would not even have to call it a temporary Business Committee, but a temporary gathering of representatives from each of the political groups in order to discuss when that meeting to elect the First Minister should occur. That is my view, and that is my group's view. Strong views were expressed in my group about this. I hear what you are saying, but I am just of a different opinion.

[9] **Peter Black:** I am listening to the arguments for and against, because I am fairly agnostic on this proposal. The question that I have in my mind is: what is the function of the Business Committee? My understanding is—I may be wrong, because I do not know the Standing Orders well enough to be certain about this—that the Business Committee is there to advise the Minister in charge of business and the Presiding Officer on a whole range of matters. As such, we do not have an executive role. The question then comes down to whether, if you have a temporary Business Committee, you are just formalising an informal process of consultation. It would be useful to have some clarification in response to those questions.

9.00 a.m.

[10] **The Presiding Officer:** I can answer you on the basis of what happened last time. My consultation was with the business manager or the person who appeared to me to be acting as the business manager—I am looking at her now—of the party from which the First Minister was elected. So, I think that I would prefer a situation in which an incoming Presiding Officer would be able to speak with the people who are the apparent business managers of all parties, rather than establishing another formal procedure.

[11] **Peter Black:** The Standing Order, as currently drafted, says that your successor would consult all political groups. That means that you would effectively talk to the business manager or leader of the relevant groups, depending on who could be identified as such. In a sense, that is an informal process as opposed to a formal Business Committee, which would formalise that consultation. The Business Committee could not tell you what to do, in a sense, because it would still be your decision, although you would take advice.

[12] **The Presiding Officer:** However, I have never gone against the advice of the Business Committee, because I think that that is another important convention.

[13] **The Minister for Business and Budget (Jane Hutt):** I think that we may need to return to this, because it is such an important point with regard to the future of the Assembly. However, I think that it is a question of the point at which the Business Committee should be elected. We need to consider the issue of a temporary Business Committee or a permanent Business Committee to ensure that it plays an advisory role to the Presiding Officer and the business manager. It is a critical role in terms of the sensitive negotiations that may follow the outcome of the election. So, I think that we need to return to this point and give it more consideration at group level.

[14] **Peter Black:** I concur. Could we accept the Standing Orders that we have in front of us and come back to the interim Business Committee next week after discussion with party groups?

[15] **The Presiding Officer:** I have no issue at all with a Business Committee being elected at the same meeting that elects the First Minister.

[16] **Peter Black:** Do you mean electing the actual Business Committee?

[17] **The Presiding Officer:** Yes. I think that that is quite a sensible idea.

[18] **Jocelyn Davies:** The issue is that, when you elect the First Minister, you do not have a Minister for business to table the motion, which is what Standing Orders require.

[19] **Peter Black:** That could be changed.

[20] **Jocelyn Davies:** The Minister for business has to table the motion. When the First Minister is elected, the Government has not been appointed so there is no Minister for business to table the motion.

[21] **Peter Black:** Standing Orders could be changed so that any Member could table that motion; it does not have to be the Minister for business.

[22] **Jocelyn Davies:** That is what Standing Orders currently say.

[23] **Peter Black:** I understand that.

[24] **Mr Crompton:** There is something else to throw into the pot that might help. The proposed Standing Order No. 7.5E is the one that constrains the types of business that can be taken at those early meetings. You could consider putting a lock on that, so that, effectively, the Assembly would have to approve the order of business for those meetings. If the Assembly was not ready to proceed with the business, it simply would not happen. That would add a lot of weight to the requirement to consult in Standing Order No. 7.5C, in that there would be no point calling a meeting unless there was clearly a majority in favour of proceeding with that business.

[25] **Jocelyn Davies:** We have a number of possible solutions there that could assist us, so perhaps we could explore those.

[26] **Peter Black:** I would prefer a permanent Business Committee to an interim one. However, that can be discussed; we can talk to our groups and come back on that.

[27] **The Presiding Officer:** I believe that there is a very firm and strong duty in Standing Order No. 7.5(B) to require the Presiding Officer to consult with political groups. If you think that it would be useful to lay down guidance or a convention as to how that consultation should take place, I would be very happy to sign up to that.

[28] **Jane Hutt:** It is essential for that power to emerge next week with an appropriate Standing Order.

[29] **The Presiding Officer:** So, we will return to this issue. Thank you for that useful constitutional discussion.

9.05 a.m.

**Newidiadau Arfaethedig sy'n ymwneud ag Arloesedd ym
Musnes y Cyfarfod Llawn
Proposed Changes relating to Innovation in Plenary Business**

**Trefn y Cwestiynau Llafar
Order of Oral Questions**

[30] **Y Llywydd:** Mae papur 2 yn cynnig gwelliannau i Reol Sefydlog Rhif 7 er mwyn newid trefniadau ar gyfer cwestiynau llafar, y ddadl fer a busnes Aelodau nad ydynt yn rhan o'r Llywodraeth. Yn ogystal, bydd yn creu cyfleoedd ar gyfer mathau amrywiol o fusnes. A oes sylwadau ar bapur 2, atodiad A, tudalennau 1 i 4?

The Presiding Officer: Paper 2 proposes amendments to Standing Order No. 7 to change arrangements for oral questions, the short debate and the business of other Members who are not part of the Government. It will also create opportunities for various types of business. Are there any comments on paper 2, annex A, pages 1 to 4?

[31] **Jane Hutt:** We accept this with the proviso that questions do not extend beyond the stipulated time and are guillotined after 60 minutes and 45 minutes.

[32] **The Presiding Officer:** They have never extended beyond that, have they? *[Laughter.]*

[33] **Jane Hutt:** I have experienced some rather lengthy sessions.

[34] **The Presiding Officer:** It must have been due to the length of the answers.

[35] **Nick Ramsay:** Can we avoid the use of the word ‘guillotined’? It is a bit too revolutionary for me.

[36] **Jane Hutt:** Oh dear, Nick—that is really unfortunate.

[37] **Peter Black:** As opposed to—*[Inaudible.]*

[38] **Jane Hutt:** However you interpret the enforcement of the maximum time—is ‘enforcement’ a better word?

[39] **Jocelyn Davies:** This does raise an important point because some Ministers give lengthy answers, but some Members also ask lengthy questions. We had a number of examples of that last week, when some Members took a very long time to ask questions. It is not fair on people who are lower down on the order paper, because it means that we do not get to their question because other Members have taken a very long time to ask their questions. We used to have a little word with Members who did so, and we used to do a word count. We would sometimes discuss at the Business Committee if particular Members were taking a very long time to ask questions. Perhaps we ought to look at that again.

[40] **Peter Black:** Business Committee—*[Inaudible.]*

[41] **Jocelyn Davies:** It was helpful for some Members who went on and on, because it is not fair on those Members who are lower down the order paper. You think that you will get to ask your question, but you do not get an opportunity to come in.

[42] **The Presiding Officer:** In the past, we have directed during questions that only two questions need to be answered by the Minister. That is the ultimate deterrent if someone goes on and on or if there is an irrelevant preamble, which there should not be—a preamble should come only from a spokesperson and should last only a short sentence. There should then be two questions. In any event, the Minister needs to answer only two points if someone rabbits on, so it is self-defeating if someone asks a long question.

[43] **Jocelyn Davies:** It is self-defeating in terms of getting an answer or getting some information, because you cannot pick and choose what answers you will get, but it is also unfair on Members who might be lower down the order paper because they will not get to ask their questions. We should mention that directly to those individuals who seem to do it all the time.

[44] **The Presiding Officer:** Quotations in questions are totally inappropriate, which is the other bane of one’s life.

[45] **Nick Ramsay:** Some questions are more like speeches—some questions are longer than some of my speeches.

[46] **Jane Hutt:** We also have quite lengthy exchanges between the leaders of the opposition parties or the spokespersons and the First Minister. That means that you could end up not moving from one question to the next quite so well.

[47] **Nick Ramsay:** *[Inaudible.]*

[48] **Jane Hutt:** These issues must be considered if we are to manage business.

[49] **Jocelyn Davies:** I am sure that many of us will remember a question on the order paper in the first Assembly about a disability issue—I think that it was to you, Jane—and

there was an interest group in the public gallery. The group was interested in question 4, but we did not reach it. There should have been a legitimate expectation that we would reach question 4, but we did not get there because other questions and answers had taken too much time. There is an issue with Members—

9.10 a.m.

[50] **Jane Hutt:** We have moved on from there.

[51] **Jocelyn Davies:** Yes, we have, but we do not want to slip back to that. There were a number of questions last week that went on for a very long time.

[52] **Nick Ramsay:** On the other hand, you do not want there to be so much pressure on Members to keep their questions to a word count, for example, that they then feel unable to make their point. Some of the questions that may be slightly longer than you may think is advisable do contain some very good points. It is a careful balancing act, of which I am sure the Presiding Officer is aware.

[53] **Jocelyn Davies:** It is. This is the problem when you set a time limit, I suppose.

[54] **Nick Ramsay:** I do not think that you should do it that way.

[55] **The Presiding Officer:** There is one aspect of this that has improved and, therefore, I have not felt the need to deal with it, which is the question that is not really a question. It sounds interrogative because the Member raises the pitch of their voice at the end of the sentence or says something such as, ‘Does the First Minister agree with me that my constituency is wonderful?’ We do not have as many of those now, but we used to have a lot of them, which was a total waste of time. It is just a toadying question to prevent scrutiny; it happens particularly in the House of Commons—

[56] **Peter Black:** Does it not happen in the House of Lords? [*Laughter.*]

[57] **The Presiding Officer:** No, only in the House of Commons. However, generally, we can live with that wording.

Y Balot ar Gyfer y Ddadl Fer Short Debate Ballots

[58] **The Presiding Officer:** Are we happy with the ballot for the short debate? I see that Members are content.

Busnes gan Aelodau'r Meinciau Cefn Business initiated by Backbench Members

[59] **The Presiding Officer:** We move on to paper 2, page 5 and paper 2, page 6. I try to avoid using the phrase ‘backbench Members’ usually, but I do not know what to say here.

[60] **Jocelyn Davies:** We understand what it means, but it is a bit old fashioned because we do not sit on benches.

[61] **The Presiding Officer:** Yes. What about ‘Members not in Government’?

[62] **Jocelyn Davies:** No.

[63] **Mr Crompton:** Individual?

[64] **The Presiding Officer:** ‘Individual Members’ implies that they are not a collective or speaking on behalf of a collective. So, they are not business managers, Ministers or Chairs of committees.

[65] **Jane Hutt:** In terms of the wider understanding of the public, most people know what ‘backbench’ means, even though it is a Westminster term.

[66] **The Presiding Officer:** I think that it is a Westminsterism that is inappropriate. It implies a hierarchical structure within a confrontational space.

[67] **Nick Ramsay:** It is a bit like ‘the party opposite’, which is used all the time, which people outside may understand, but within a round Chamber, it often means you I think, Llywydd. [*Laughter.*]

[68] **The Presiding Officer:** The party opposite me is the First Minister. What we could do is put a definition of ‘individual Members’ in there somewhere, that ‘an individual Member is a Member who is not a member of the Government, is not a Minister or a Chair of a committee and so on’.

[69] **Jocelyn Davies:** That is a good idea.

[70] **The Presiding Officer:** That would clear it up.

[71] **Jocelyn Davies:** We could get rid of the ‘backbench’ term.

[72] **Jane Hutt:** Is there an issue about guaranteeing time for such individual Members’ debates? We would have to have the provision to allocate time, would we not?

[73] **Mr Crompton:** Standing Order No. 6.21, which is—

[74] **The Presiding Officer:** It is the next one.

Sicrhau Amser ar gyfer Dadleuon Byr a Dadleuon y Meinciau Cefn Guaranteeing Time for Short Debates and Backbench Debates

[75] **The Presiding Officer:** This is on paper 2, page 7.

[76] **Mr Crompton:** Standing Order No. 6.21 sets out certain categories of debate to which we must allocate some time during the course of the year. The detail of how much and when are matters for the Business Committee. One of the proposals is that we would add individual Member proposed debates into that list of business that must have at least some time allocated to it.

[77] **Peter Black:** The outcome of that will be fewer short debates. You are not guaranteeing a short debate every week and you are also introducing a new form of Member motion. I am not sure how many of those can be taken forward, but it seems that you will have fewer short debates as a result of this.

[78] **Jane Hutt:** There could be fewer opposition debates as well.

[79] **The Presiding Officer:** I would put it the other way. You would have more of a variety of voices, in different forms, using the time. If people do not come forward using the Standing Order, it will not happen. However, it provides for it.

[80] **Peter Black:** My question is about the motions proposed by any Member who is not a member of the Government, such as the three that we have had in this Assembly, for which we have had cross-party support. Presumably, unlike the short debate, there will be a vote at the end of such debates, but will they require cross-party support to make the agenda, or could they be on controversial subjects that do not command cross-party support and still be voted on at the end of the debate? That is the test of that provision.

[81] **Jane Hutt:** [*Inaudible.*]

[82] **Peter Black:** No. That is the point. Is that what is envisaged in the Standing Orders? I would not be unhappy with that, but I am just wondering about it. I have always thought that the short debate without the vote is basically just a talking shop. Having an opportunity to table a motion that does not have cross-party support, but has the support of one or two groups perhaps, on which there will be a vote, would be quite useful. I may not say that when I am in Government, of course.

[83] **Jocelyn Davies:** [*Inaudible.*]—short debate is because it was a corporate body. Any resolution could impact on the Government. The subject of a half an hour debate, such as the short debate on the beef on the bone ban, in which some parties did not have an opportunity to speak, could become Government policy because it was a corporate body. Of course, we are no longer in that situation. If it is a motion that has a vote, the point is that that does not automatically become the policy of the Assembly because we are no longer a corporate body. Even if you were in Government, Peter, one debate cannot make the Government do anything.

[84] **Peter Black:** That is fine. I am merely advocating that that should happen. It would be a useful mechanism for members of the opposition or members of the Government backbenches.

[85] **The Presiding Officer:** I suppose that we could provide some guidance, issued by the Presiding Officer and Table Office, on the form of these motions.

[86] **Jocelyn Davies:** Yes; I think that that would be useful.

[87] **Peter Black:** We would need to discuss some guidance because it would be useful and it would help Members in formulating the motions.

[88] **The Presiding Officer:** A proper motion must be a motion that is voted on. You cannot have a motion on which you do not vote. If it is only a take-note motion, it is still a proper motion in my professional way of thinking. Therefore, a motion must come to some conclusion; in other words, that the debate has taken place. The famous one is the Welsh Grand Committee in the House of Commons, which reports to the House that it has debated the matter.

[89] **Peter Black:** You may want to consider the threshold of support required before the Business Committee would table it. I would suggest having Members from at least two groups, for example.

[90] **The Presiding Officer:** We are used to taking motions on committee reports regularly.

[91] **Jocelyn Davies:** They could be take-note motions that are not subject to amendment. Otherwise, you could be introducing a mechanism that has a Government amendment and the original motion becomes irrelevant. A take-note motion is not subject to amendment and therefore stands.

[92] **Peter Black:** I would not be unhappy about an amendment on this, but I think that you would want to have the same conventions as you do for opposition motions, whereby you first vote on the motion without amendment.

[93] **The Presiding Officer:** Can you produce some guidance for us?

[94] **Mr Crompton:** Yes, of course. Our intention was to open up the potential for different types of business, as you have said. You would retain short debates in some form. They might not be held each week; you might want to group them or whatever. We have the new Standing Order, which you have seen previously, that allows Members to sign up to motions that are tabled so that you can indicate support in that way. Therefore, just as they are now, any Member is free to table a motion, but it is just that the practice does not happen very often. The Business Committee could set out some criteria, such as cross-party support or a degree of cross-party support, as the minimum that is required for those to get time. As a supplement to that, we suggested the idea that, from time to time, the Business Committee could agree that there should be a ballot for individual Members. That would open up a further possibility, namely that just one Member could table a motion and potentially win some time to have it debated. Even if they could not get cross-party support, they would still have right of access to the floor.

9.20 a.m.

[95] **The Presiding Officer:** I am very keen for there to be a much more proactive role for the Business Committee in innovation. It would be up to this committee to decide when that should happen. If there is pressure for it, obviously it would come from the business managers, and it could be discussed, and agreed or not agreed. That is the only way in which we can innovate, effectively.

Busnes Amserol yn y Cyfarfod Llawn Topical Business in Plenary

[96] **Y Llywydd:** Mae'r wybodaeth berthnasol ym mharagraffau 26 i 34 o bapur 2. Cawsom drafodaeth ar 9 Tachwedd ynglŷn â chynigion bras i drafod busnes amserol yn y Cyfarfod Llawn. Mae rhan 2 y papur yn rhoi esboniad manylach o'r opsiynau. Nid wyf yn gwybod a ydym am geisio dod i benderfyniad ar hyn, ynteu a yw hwn yn fater y mae'n briodol ei gyfeirio i'r pedwerydd Cynulliad ac i'r pwyllgor a fydd yn olynu hwn maes o law.

The Presiding Officer: The relevant information is in paragraphs 26 to 34 of paper 2. On 9 November we discussed outline proposals for topical business to be discussed in Plenary. Part 2 of the paper provides a more detailed explanation of the options. I do not know whether we want to come to a decision on this, or whether this is a matter that it is appropriate to refer to the fourth Assembly and the committee that will follow this one.

[97] **Jocelyn Davies:** I think that the business—

[98] **The Presiding Officer:** It should be a legacy issue.

[99] **Jocelyn Davies:** Yes.

[100] **The Presiding Officer:** Are we agreed? I see that everyone is in agreement.

[101] 'Cymynrodd' yw'r gair Cymraeg, yr 'Cymynrodd' is the Welsh term, I believe. wyf yn credu.

9.21 a.m.

**Newidiadau Arfaethedig yn ymwneud â Chadeiryddion Pwyllgorau
Proposed Changes relating to Committee Chairs**

**Newidiadau i Reol Sefydlog Rhif 10 (a newidiadau canlyniadol i RS 11 a 13) sy'n
ymwneud â phenodi cadeiryddion pwyllgorau
Changes to Standing Order No. 10 (and consequential changes to SO 11 and 13) relating
to the appointment of committee chairs)**

[102] **Y Llywydd:** Ar 16 Tachwedd, cytunodd y rheolwyr busnes mewn egwyddor y dylid dileu'r system sy'n caniatáu i bwyllgorau ethol cadeirydd, a chael Rheol Sefydlog yn lle hynny a fyddai'n adlewyrchu arferion y trydydd Cynulliad. Gofynnwyd am gynnig pellach i ddarparu ar gyfer cynnwys system newydd o benodi cadeiryddion pwyllgorau yn y Rheolau Sefydlog. Felly, dyna sydd gerbron: enwi cadeirydd y pwyllgor wrth gyflwyno'r cynnig sy'n nodi aelodau'r pwyllgor; cynnwys yr enwau a enwebwyd gan grwpiau gwleidyddol ar gyfer rôl cadeirydd pan fydd y grŵp hwnnw'n dal y gadair—mae hynny'n diwygio Rheol Sefydlog Rhif 10.8; sicrhau cydbwysedd cadeiryddion ar draws pwyllgorau i adlewyrchu'r grwpiau gwleidyddol; ei gwneud yn ofynnol i'r Pwyllgor Busnes gyflwyno cynnig er mwyn gweithredu cynnig a wnaed gan unrhyw grŵp gwleidyddol sy'n dymuno newid ei gynrychiolaeth.

The Presiding Officer: On 16 November, the business managers agreed in principle to remove the mechanism that permits committees to elect a chair, in favour of a Standing Order that would reflect the practices of the third Assembly. A further proposal was requested for a new mechanism to appoint committee chairs to be included in Standing Orders. So, that is what we have before us: naming the committee chair when tabling the motion outlining the committee's membership; reflecting the names put forward by political groups for the role of chair, where that political group holds the chair—that amends Standing Order No. 10.8; ensuring that the balance of chairs across committees reflects the political groups; requiring the Business Committee to table a motion to give effect to a proposal put forward by any political group wishing to change its representation.

[103] Are these okay?

[104] **Jane Hutt:** On Standing Order 10.6(i)(b), the allocation of committee chairs is a matter for agreement between political parties. We need to make sure that (b) does not give an opportunity to overturn an agreement that might have been reached between political parties privately.

[105] **The Presiding Officer:** The agreement is to reflect overall balance in the committees. We did this before, did we not?

[106] **Peter Black:** When we had a panel of chairs.

[107] **The Presiding Officer:** I am not proposing that that should be done. We do not need a formal panel.

[108] **Peter Black:** I was not proposing it.

[109] **Jane Hutt:** We need to be aware of the possibility that it could—

[110] **The Presiding Officer:** Again, this might benefit from a bit of a gloss or an explanation. What are we calling this? Are we calling it guidance to the Standing Orders? It is the rolling document—

- [111] **Peter Black:** Could we call it the explanatory note?
- [112] **The Presiding Officer:** Whatever we call it, it is important that details of difficulties that we have considered in the committee are passed on.
- [113] **Jocelyn Davies:** Could it be the Standing Orders' companion?
- [114] **The Presiding Officer:** The Red Book, like in the House of Lords—that is what we want.
- [115] **Peter Black:** There is a companion to the Presiding Officer's rulings.
- [116] **The Presiding Officer:** There are a few of those.
- [117] **Peter Black:** I know; I have seen them.
- [118] **The Presiding Officer:** The Presiding Officer does not have one.
- [119] **Jane Hutt:** We do not have access to it.
- [120] **Peter Black:** No, because it is next to the Presiding Officer's chair. [*Laughter.*]
- [121] **The Presiding Officer:** The more of this that becomes publicly understood, particularly by new Members, the better. So, are we agreed on that whole package? I see that we are. Thank you.

9.25 a.m.

**Newidiadau Arfaethedig sy'n ymwneud â Thrafodion Cyfnod 3
(Rheol Sefydlog Rhif 23)**

Proposed Changes relating to Stage 3 Proceedings (Standing Order No. 23)

- [122] **Y Llywydd:** Mae'r mater hwn yn agos iawn at fy nghalon, fel rhywun sydd wedi cadeirio'r rhan fwyaf o'r trafodaethau hyn ers inni ddechrau deddfu. Mae papur 4 yn cynnig cyflwyno dull o alluogi'r Cynulliad i ystyried a gwaredu gwelliannau pellach o sylwedd i Fesur arfaethedig yn dilyn gwaredu'r holl welliannau yng Nghyfnod 3. Nid yw hyn yn digwydd fel arfer, ond gall ddigwydd gyda chydsyniad y Cynulliad.
- The Presiding Officer:** This matter is very close to my heart, as the one who has chaired the majority of these discussions since we started legislating. Paper 4 proposes introducing a mechanism enabling the Assembly to consider and dispose of further substantive amendments to a proposed Measure following the disposal of all amendments at Stage 3. This does not routinely take place, but could do so with the agreement of the Assembly.
- [123] **Peter Black:** I have a quick procedural point to make. At present, once Stage 3 is completed, we go straight into Stage 4. So, presumably, if, at the end of Stage 3, the person in charge of the proposed Measure decided that they wanted to make further amendments, they would propose the postponement of Stage 4—
- [124] **The Presiding Officer:** Yes; in other words, they would not propose Stage 4.
- [125] **Peter Black:** So, the motion would not be moved.

[126] **The Presiding Officer:** That is right.

[127] **Peter Black:** Would the Member have to give notice immediately or would they have to give notice in advance? At what stage would they give notice to the Presiding Officer that that was going to happen?

[128] **The Presiding Officer:** I think that it would be up to the mover of the Stage 4 motion not to move it. I do not think that there is a need for prior notice.

[129] **Peter Black:** So, it is entirely in the hands of the person in charge of the proposed Measure.

[130] **The Presiding Officer:** Yes.

[131] **Jane Hutt:** We may need to change the proposed wording to ‘the Member in charge’, rather than ‘any Member’. So, it would then read that ‘the Member in charge may, without notice’.

[132] **Peter Black:** Any Member could move it, but whether or not it is passed is another matter.

[133] **Jane Hutt:** I know that there have been some discussions about this issue.

[134] **The Presiding Officer:** I think that it would be a very strange situation if you allowed ‘any Member’ to derail, as it were, a piece of legislation at Stage 3 on a whim, perhaps. What are the disadvantages to limiting it to the ‘Member in charge’?

[135] **Mr Crompton:** One scenario is that, if the Government brought forward quite significant amendments to a piece of legislation at Stage 3, which were passed, and other Members wanted to argue that more detailed consideration should be given to those amendments, the current wording would allow them to propose such a motion and argue that point. So, constraining it to the Member in charge does exactly that.

[136] **Jane Hutt:** The point is that any Member could therefore derail the progress of a proposed Measure. Everything is subject to a vote, so if it is changed to ‘the Member in charge’, it would still be subject to a vote. I think that having ‘any Member’ would leave it too wide open.

[137] **Peter Black:** It would be quite extraordinary, would it not, for a single Member to derail Government business in that way?

[138] **Jocelyn Davies:** I have noticed—*[Inaudible.]*—you would not know, would you?

[139] **Peter Black:** To be honest, there would be a bigger danger of the Government derailing a Member proposed Measure than the other way around.

[140] **Jocelyn Davies:** Having ‘the Member in charge’ would—*[Inaudible.]*

[141] **Jane Hutt:** Could we change to ‘the Member in charge’?

[142] **The Presiding Officer:** Yes, if everyone is happy with that.

[143] **Peter Black:** I think that that would give some protection against Member proposed Measures being thrown out in that way.

[144] **The Presiding Officer:** Yes, and it gives status to the Member in charge throughout the proceedings. Diolch yn fawr.

9.29 a.m.

**Newidiadau Arfaethedig sy'n ymwneud â Chynigion Cydsyniad Deddfwriaethol
(Rheol Sefydlog Rhif 26)
Proposed Changes Relating to Legislative Consent Motions
(Standing Order No. 26)**

**Cydsyniad mewn perthynas â Mesurau Senedd y DU: Rheol Sefydlog Rhif 26
Consent in relation to UK Parliament Bills: Standing Order No. 26**

[145] **Y Llywydd:** Ar 7 Rhagfyr, yn dilyn trafodaeth yn y pwyllgor hwn, gofynnodd y rheolwyr busnes am gael cynnig diwygiedig i ymestyn maes Rheol Sefydlog Rhif 26, a dyna sydd i'w weld ym mharagraffau 5 i 7 y papur.

The Presiding Officer: On 7 December, following a discussion in this committee, the business managers requested a revised proposal regarding broadening the scope of Standing Order No. 26, which is what is outlined in paragraphs 5 to 7 of the paper.

[146] Minister, I believe that you have some views on this.

[147] **Jane Hutt:** Yes, on Standing Order No. 26.1. I think that, by including any Bill provision that modifies the competence of the Assembly in the legislative consent motion requirements, we would still be in the position where the Assembly would be giving consents not recognised as being needed by the UK Government. So, we really need to look at that. It is one of our most significant objections to the original proposal.

9.30 a.m.

[148] We do not have a problem with informing the Assembly about Measure powers, but that can be done through the current practice of ministerial statements. The intention was to formally enshrine this in Standing Orders, but this provision goes much further than that and it remains unacceptable. Obviously, there are compromises. We could accept that we covered Measure powers in the new Standing Order No. 26A. Also, the term 'modifies' is still being used. We have advised about this, because it would not capture Measure powers, as they are an addition to competence, not a modification. So, removing 'modifies' would be the issue. However, this is something on which we need further clarification and discussion.

[149] **Jocelyn Davies:** I have been thinking about exactly what the term 'modifies' means. I am unsure as to whether we would end up with a lot of these, because I am not sure what the term means. So, perhaps we could have some further discussion on this. When we were talking about the modification of executive functions, I was not sure what that would mean, how often we would have to discuss it and whether it would sometimes be so trivial as to be wasting Members' time. That term 'modification' is the one that has issues around it.

[150] **The Presiding Officer:** What is the difference between 'modification' and 'amendment'?

[151] **Mr Crompton:** To try to pick up the point that Jocelyn made last time, we have tried to separate out the executive functions issue into a separate part. So, Standing Order No. 26.1 is now focused solely on the legislative competence of the Assembly, not on the executive competence of Welsh Ministers. The word 'modify' is our best attempt at ensuring that any change to the legislative competence of the Assembly is subject to this Standing Order,

whether negative or positive.

[152] **Peter Black:** So, if you had a Bill that included framework powers being given to the Assembly, over and above the 2006 Act, that would fall into this provision.

[153] **The Presiding Officer:** Not if it was just for Ministers.

[154] **Mr Crompton:** Not if it were just for Ministers, but we will come on to that—

[155] **Peter Black:** I think that that is useful, because sometimes when you are given framework powers, it is useful to be able to scrutinise the input into that and say whether you feel that those powers go far enough, or too far, depending on your point of view. So, it would be useful to have that. I am not happy with ‘negative impact’, because that is very limiting and difficult to define. One person’s negative impact is someone else’s positive impact.

[156] **Jocelyn Davies:** That is what it currently says, is it not?

[157] **Peter Black:** That is what I am saying—one that reverts the original wording. I want to have some—

[158] **The Presiding Officer:** ‘Impact upon’ covers both, does it not?

[159] **Jane Hutt:** Yes. To be fair, officials only had sight of our concerns about this last night. I was able to have a brief discussion about it earlier with the Presiding Officer, but we could do with an advocate general in terms of this—

[160] **The Presiding Officer:** Absolutely, yes. I pray for this every night; it is at the top of my intercessions list and I have the person in mind—he is already doing the job.

[161] **Jocelyn Davies:** They are probably praying as well then. [*Laughter.*]

[162] **The Presiding Officer:** He has agreed to do it.

[163] **Jane Hutt:** We probably need to return to this.

[164] **The Presiding Officer:** Since the Minister has very kindly raised this point, it behoves us, whatever happens in the coming referendum, to take a look at the role of that distinguished Scottish law officer known as the Advocate General for Scotland.

[165] **Jocelyn Davies:** We have a number of principles here. No-one would disagree that the Assembly needs to be kept informed when there are changes to the competence that it has or does not have. It is about this term ‘modifies’ and whether some things would be so trivial that we would be constantly having a debate. I suppose that it is about what the impact would be, and how great the impact would be. I agree with Peter that negative impact does not do it; we need to do it, but we have not got it quite right here.

[166] **The Presiding Officer:** I do not think that we will get this right until we have a clearer way of communicating between the UK Government and the Welsh Government—that is inter-governmental—but also between the UK Parliament and the National Assembly. We need to work on that in the next Assembly. Do you want to have another stab at this now?

[167] **Peter Black:** As it is currently worded, it goes back to where we used to be, when the Queen’s Speech was published and all the Bills were referred to committees for discussion. It is useful to have that discipline of having some form of formal consideration, or the possibility of consideration, of a Government Bill, where you think that it will have an

impact. The weakness of that system was that you considered Bills that did not seem relevant at the time, and wasted a lot of time on them. However, if it is focused in a useful and constructive way, it can be helpful.

[168] **The Presiding Officer:** I do not disagree with you. There are two legislatures where things overlap, and always will. Indeed, we are living in three jurisdictions, are we not, namely the European Union, the United Kingdom and Wales? So, there will be issues. It is about how that is handled effectively in terms of sharing information between legislatures, and allowing scrutiny, without over-burdening our officials or Government officials. If we can piggyback on information that the UK Government, or the European Union, has already prepared in a particular area of legislation, as well as an assessment that Welsh Ministers' officials may have prepared on the impact, that saves us work, does it not?

[169] **Peter Black:** It is a consequence of asymmetric devolution.

[170] **The Presiding Officer:** We are never going to get away from that, are we?

[171] **Jocelyn Davies:** UK Bills could be subject to considerable amendments as they move along and I am not sure at what point the Welsh Government would have to table these motions. What if a Member of Parliament tabled a host of amendments that would affect a Bill, even if those amendments were not passed? We could find ourselves constantly considering motions even though those amendments would not change anything, and I am concerned about how much work this would involve. What we want to achieve is a situation where Assembly Members are fully aware of when UK Bills, or Acts, change the Assembly's competence to do something.

[172] **The Presiding Officer:** This came from deliberations at the Constitutional Affairs Committee and outside evidence.

[173] **Peter Black:** I would imagine that this memorandum would be tabled when the Bill is published.

[174] **Mr Crompton:** Standing Order No. 26.2 sets out to address exactly that point. Therefore, for the bulk of Government Bills, if, as introduced, they affected the Assembly's competence, the deadline would be the Second Reading debate in Westminster. Standing Order No. 26.2(iii) deals with Jocelyn's point. Therefore, if amendments are agreed by Parliament that affect the Assembly's competence, that would trigger the process, as would amendments that are tabled to a piece of Government legislation by the Government in Westminster.

[175] **Jane Hutt:** Can we return to this issue, because some useful discussions have emerged on this point?

[176] **The Presiding Officer:** Are we able to do this within our timescale in the present Assembly? Are we able to say something conclusive?

[177] **Jocelyn Davies:** I do not believe that there is a problem with it in principle; it is just the wording.

[178] **Jane Hutt:** Yes, it is a matter of clarifying it.

[179] **Jocelyn Davies:** [*Inaudible.*] We could leave the wording up to committee, could we not?

[180] **Nick Ramsay:** What we want to avoid is a constant drip-drip in terms of the

Government having to say that something has changed. It goes back to the word ‘modifies’. You must have some mechanism of saying, ‘We report at this point’. However, I am not quite sure how you would do that.

9.40 a.m.

[181] **Peter Black:** Personally, I am in favour of a drip, drip of information, as opposed to no information at all.

[182] **Jane Hutt:** If we cannot clarify it sufficiently, we will obviously have to wait until the new Assembly. There are quite a few things that follow on from this in terms of issues around the memorandum.

[183] **Mr Crompton:** The other significant change in the proposal is that, once a memorandum had been tabled, the Business Committee could decide whether or not that was significant enough to refer to a committee for committee scrutiny. It is one important point to bear in mind that the Business Committee would have the power to judge whether something was of enough significance to warrant that process. The first question, perhaps, is whether that is a sufficient test for you. If the problem is still the word ‘modifies’, we could certainly try to find another word. We have played with the thesaurus quite a lot. We could just go back to the word ‘impact’ and take out ‘negative’; therefore, it would say, ‘which has an impact on the legislative competence of the Assembly’. There is another option, as in the proposals in relation to executive powers, where we have suggested that there should be a significance test to get around Jocelyn’s point.

[184] **Peter Black:** You could consider whether it has a significant impact on the legislative competence of the Assembly.

[185] **Mr Crompton:** That is open to interpretation as to what that would mean, but it would, in the first instance—

[186] **The Presiding Officer:** It could be up to the Presiding Officer, or all of us, to interpret.

[187] **Peter Black:** The inclusion of ‘significant impact’ might help. Could a committee pick up one of these memoranda without coming through the Business Committee?

[188] **The Presiding Officer:** Yes.

[189] **Peter Black:** Therefore, we could refer, but they could also say, ‘We want to look at this’.

[190] **The Presiding Officer:** It has to be so. We cannot be policing how a committee should scrutinise.

[191] **Peter Black:** Absolutely.

[192] **The Presiding Officer:** We may have a view on it, if there is double stuff going on, or if the Government feels that too much demand has been made on time, and so on.

[193] **Peter Black:** I envisage that the Constitutional Affairs Committee might do that quite frequently.

[194] **Jocelyn Davies:** [*Inaudible.*]—the word—[*Inaudible.*]—is difficult to interpret.

[195] **The Presiding Officer:** We will come to that.

[196] **Jocelyn Davies:** If you have read any High Court cases, you will see that when a panel of judges is asked to consider what the word means, that consideration can go on for many pages.

[197] **The Presiding Officer:** Do you think that that is even more difficult to interpret than the word 'reasonable'?

[198] **Jocelyn Davies:** Yes.

[199] **The Presiding Officer:** That is another big one, is it not?

[200] **Jocelyn Davies:** Yes. 'Reasonable' is.

[201] **Jane Hutt:** We may be able to agree out of committee in terms of new provisions. I know that Marion would like to be able to have a chance to speak to Adrian, Siân and officials about this.

[202] **The Presiding Officer:** Please carry on with that. I think that this brings us conveniently to item 6.2.

**Hysbysu mewn perthynas â Mesurau Senedd y DU: Rheol Sefydlog Rhif 26A
Notification in relation to UK Parliament Bills: Standing Order No. 26A**

[203] **Y Llywydd:** Mae eitem 6.2 ar yr agenda yn ymwneud â hysbysu mewn perthynas â Mesurau Senedd y Deyrnas Unedig, Rheol Sefydlog Rhif 26A, papur 5. Mae'n ymwneud â swyddogaethau gweithredol Gweinidogion Cymru. Yma yr ymddengys y gair 'arwyddocaol', yr ydym newydd gyfeirio ato.

The Presiding Officer: Item 6.2 on the agenda is about notification in relation to UK Parliament Bills, Standing Order No. 26A, paper 5. It relates to the executive functions of Welsh Ministers. This is where the word 'significant', to which we have just referred, is included.

[204] Do you wish to say anything about this, Minister? This is on pages 7 to 9.

[205] **Jane Hutt:** No.

[206] **The Presiding Officer:** Do you wish to make any comments on that, Jocelyn?

[207] **Jocelyn Davies:** No, thank you.

[208] **Jane Hutt:** May I raise a point on Standing Order No. 26A.1? I accept the principle, but not with a requirement for a memorandum in exactly the same format as the memoranda that we have just been discussing under Standing Order No. 26A.1. It may be confusing to have some memoranda that will be followed by a consent motion and others that look exactly the same but will not be voted upon. It might be better to have a requirement, as we currently have, for a ministerial statement than a memorandum. We would prefer not to have what the statement must cover being specified in Standing Orders. However, we do have a suggestion about how this could be changed. We suggest that Standing Order No. 26A.1(i) could state—and we are now back to these problems—

[209] 'Significantly modifies the executive functions of the Welsh Ministers, or modifies the legislative competence of the Assembly other than having a negative effect'.

- [210] **Peter Black:** Other than having a negative effect?
- [211] **The Presiding Officer:** We are here again, happily, in potential advocate general territory, are we not?
- [212] **Jane Hutt:** Exactly.
- [213] **Peter Black:** Are you not mixing up the two previous debates, because you are now returning to the functions of the Assembly, which we were talking about under Standing Order No. 26.2?
- [214] **Jane Hutt:** We have just had this discussion. We were looking at this in terms of the advice to be given to me before we had had the discussion about how we could handle this matter generally. So, we may want to change that anyway.
- [215] **Peter Black:** I would have thought that anything having a negative effect would be the ones that we would be most interested in.
- [216] **Jane Hutt:** This is so important that we have to return to it to get it right. When the Executive is engaged, it is important that we recognise that there are differences, but we must get it right.
- [217] **Peter Black:** I am happy that Standing Order No. 26A.3 refers to a written statement.
- [218] **Jane Hutt:** That is helpful.
- [219] **Peter Black:** It is roughly the same thing, is it not, but it distinguishes between the memorandum referred to in Standing Order No. 26.2 and this? Provided that the same information is available, it is just a matter of the vehicle.
- [220] **The Presiding Officer:** This, again, arises from some of the evidence that we had. If I recollect correctly, the Wales Governance Centre expressed the view that the Assembly could not be effective in holding the Government to account without scrutiny of executive powers sought in UK Bills. We should try to open the door to that, if we can, without placing too much of a burden on the Government, because this information is all within government. Some of it will have been before the UK Parliament and Parliamentary Counsel, at the UK level, and will be in explanatory memoranda to Westminster Bills. It is all there or thereabouts, so it is a matter of getting it together and having a formal way of doing that.
- [221] **Jane Hutt:** If colleagues are happy to replace ‘memorandum’ with ‘ministerial written statement’, that will also have an impact on the other Standing Order changes.
- [222] **Peter Black:** Will we return to all this next week?
- [223] **Jane Hutt:** I think that we will have to.
- [224] **The Presiding Officer:** I do not think that we will have appointed the advocate general by then.
- [225] **Peter Black:** No, but we will return to all this next week or next time.
- [226] **The Presiding Officer:** Do you want to do that or can we do it out of—
- [227] **Peter Black:** We need to do it formally.

[228] **Jane Hutt:** It depends; we have others that we must tidy up, have we not?

[229] **The Presiding Officer:** Yes, I am going to say at the end that we will have a formal meeting to agree what we have not—

[230] **Peter Black:** We can talk outside, but we need to have a formal agreement in public, do we not?

[231] **The Presiding Officer:** Thank you.

9.47 a.m.

**Rheol Sefydlog Rhif 27: Gweithdrefnau Cyllid
Standing Order No. 27: Finance Procedures**

**Adroddiad y Pwyllgor Cyllid ar Gyllideb Llywodraeth Cynulliad Cymru:
Rheol Sefydlog Rhif 27.0E
Finance Committee Report on the Welsh Assembly Government's budget:
Standing Order No. 27.0E**

[232] **Y Llywydd:** Ar 7 Rhagfyr, fe ystyriom yr amser a roddir i'r pwyllgor cyfrifol gyflwyno adroddiad ar gyllideb ddrafft y Llywodraeth. Argymhelliad y Pwyllgor Cyllid yw chwe wythnos.

The Presiding Officer: On 7 December, we considered the length of time allocated to the responsible committee to report on the Government's draft budget. The Finance Committee recommended six weeks.

[233] Minister, I think that you also have a view about the timescale for reporting on the budget.

[234] **Jane Hutt:** I request a compromise of five weeks, rather than six weeks, to be able to complete the budget process effectively by Christmas. That is the Government's response, to request that we move from six to five weeks. It is 'at least'.

[235] **Peter Black:** Five is fine.

[236] **The Presiding Officer:** Five is okay. Diolch yn fawr.

[237] **Jocelyn Davies:** As long as it is 'at least five'.

**Datganiad am Gyflwyno Cyllideb Llywodraeth Cynulliad Cymru:
Rheol Sefydlog Rhif 27.1A
Statement on the Introduction of the Welsh Assembly Government's Budget:
Standing Order No. 27.1A**

[238] **Jane Hutt:** I have had discussions on Standing Order No. 27.1A about coming forward with a statement. I know that Peter raised this issue. We have to think of its importance for the Assembly and the wider public, but there is a concern about doing it twice in terms of having an oral statement and then a debate, as we did last week on the draft budget. There are concerns about saying the same things twice, but I appreciate that it is the start of the process and that status is attached to it.

[239] **Peter Black:** They have different functions. The statement gives the Minister the opportunity to lay out his or her proposals and Members the opportunity to ask questions on it, but the debate on the draft budget gives Members an opportunity to table amendments, the Minister will take account of that and then the consultation, and then you have the final

budget. Effectively tabling the budget in the Chamber gives it a greater status, but it also gives Members an opportunity to question the Minister on points of detail and so on, and to start to set it out. It would add status to the budget process.

9.50 a.m.

[240] **Jocelyn Davies:** Our Standing Orders should permit it, if not insist on it.

[241] **Peter Black:** They currently permit it.

[242] **Jocelyn Davies:** Yes. I can see Peter's point that it is not ideal for the Minister to make the budget public outside the Chamber. My group would not disagree with Peter's point.

[243] **Jane Hutt:** Would it be a good idea if we said 'may make a statement' rather than 'must make a statement', because it is then discretionary?

[244] **Jocelyn Davies:** The expectation would be that that would happen, but perhaps it could not happen in all circumstances.

[245] **Jane Hutt:** There may be a genuine reason why it could not happen.

[246] **Peter Black:** You have the opportunity to do it now, but by putting it in the Standing Orders in that way, it creates some form of expectation.

[247] **Jocelyn Davies:** It would be a compromise.

[248] **Jane Hutt:** It would be up to whoever is called to make that statement. We would be content if we could change 'must' to 'may'.

[249] **The Presiding Officer:** What you are trying to do is to create a publicly identifiable cycle of debate for the budget.

[250] **Peter Black:** Yes. When the budget was introduced in Scotland, it was introduced in the Chamber, as is done in the House of Commons. At the moment, it is released by press conference—

[251] **Jane Hutt:** And private conversations.

[252] **Peter Black:** It would add to the scrutiny and to the status of the budget.

[253] **The Presiding Officer:** So, we will make that change.

Cyllideb Comisiwn y Cynulliad: Rheolau Sefydlog Rhif 27.7 i 27.12A
The Assembly Commission's Budget: Standing Order Nos. 27.7 to 27.12A

[254] **Y Llywydd:** Gofynnwyd yn ystod y drafodaeth ar 7 Rhagfyr am fwy o wyblygrwydd o ran cyllideb Comisiwn y Cynulliad fel y byddai'n fwy tebyg i drefn cyllideb y Llywodraeth. Ymatebodd y Comisiynwyr y byddai'n well ganddynt gadw'r elfen benodol a geir yn y Rheolau Sefydlog ar hyn o bryd. A oes problem gyda hynny? Gwelaf nad oes.

The Presiding Officer: During the discussion on 7 December, more flexibility was requested for the Assembly Commission's budget so that it would be more in line with the approach taken for the Government's budget. The Commissioners have indicated that they would prefer to retain the specifications currently contained in the Standing Orders. Are there any

problems with that? I see that there are not.

[255] Bydd cyfarfod cyhoeddus yr wythnos nesaf i drafod y materion sy'n weddill. Dyna ddiwedd ein trafodion am heddiw; diolch yn fawr i chi. There will be a public meeting next week to discuss the outstanding matters. That concludes our proceedings for today; thank you very much.

*Daeth y cyfarfod i ben am 9.52 a.m.
The meeting ended at 9.52 a.m.*