

MINUTES OF MEETING

Date: Tuesday 14th March 2006

Time: 9.00 a.m.

Venue: Conference Room C

Present: Jenny Randerson (Chair)
Jane Hutt, Business Minister
Jocelyn Davies, Plaid Cymru Business Manager
Lisa Francis, Welsh Conservatives Business Manager
Peter Black, Welsh Liberal Democrats

Paul Silk, Clerk to the Assembly
Andrew George, Clerk to the Business Committee
Marion Stapleton, Assembly Business Unit
Karin Phillips, Members' Research and Committee Service
Peter Jones, Counsel to the Assembly Parliamentary Service
Alun Jenkins, DLS (Agenda Item 4)
Marc Wyn Jones, Business Committee Secretariat
Catherine Morris, PS to the Deputy Presiding Officer

1. Apologies & announcements

1.1 It was noted that the Deputy Presiding Officer was absent from the Committee following the death of his wife. The Committee offered their condolences and asked the Chair to write to Dr. Marek to express their sympathies.

2. Minutes of the previous meetings

(i) BC(2)06-06 (Final minutes) - Tuesday 28th February 2006

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

Action: Chamber Secretariat

(ii) BC(2)07-06 (draft minutes) - Tuesday 7th March 2006

2.2 The minutes were presented to the Committee in draft. As there were no comments, they would be translated before being submitted to the Committee in final draft.

Action: Chamber Secretariat

3. Matters Arising

Draft Minutes of meeting of 7th March 2006

3.1 **Paragraph 5.1** The Business Minister reported back on issues raised in the paper from the Members' Research Service on the parliamentary progress

of Bills of relevance to the Assembly. It was noted that the White Paper said that *“the (UK) Government intends, immediately, in drafting primary legislation relating to Wales, to delegate to the Assembly maximum discretion in making its own provisions, using its secondary powers.”* However, the Minister for Health and Social Services had indicated that the inclusion of framework powers in Bills was something the Government would have to press for, rather than being an automatic feature of legislative drafting. The Business Minister said that the Minister for Health and Social Services had made the comments in the context of the Health Bill and reiterated the commitment in the White Paper. She said that framework powers would not be included in any Bill as a matter of course, but that the Government would request that they be included where it was felt appropriate.

3.2 Paragraph 5.1 The Chair referred to the documents accompanying draft Orders and said that the Committee had asked when an indication could be given in the documents about which procedure the legislation would be likely to follow under the post-2007 arrangements. Marion Stapleton said that arrangements were being put in place to effect this and that she hoped that this could be done following the Easter recess.

3.3 Paragraph 9.1 The Chair referred to proposals to amend Standing Orders arising from the Public Services Ombudsman (Wales) Act 2005 and asked when it was intended to submit the amendments to the Committee for consideration. Marion Stapleton said that the amendments would be submitted to the Committee within the next two weeks. The Business Minister said that, as the timescale was tight, she would consult Business Managers on the draft proposals out of Committee.

4. Subordinate Legislation

(a) Orders for consideration

The Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) (Wales) Regulations 2006 - **BC(2)09-06 (p1)**

& Report by the Local Government and Public Services Committee – **BC(2)09-06(p13)**

The Plant Breeders' Rights (Discontinuation of Prior Use Exemption) (Wales) Order 2006 - **BC(2)09-06 (p2)**

The Education (School Day and School Year) (Wales) (Amendment) Regulations 2006 - **BC(2)09-06 (p3)**

The National Health Service (Performers Lists) (Wales) (Amendment) Regulations 2006 - **BC(2)09-06 (p4)**

& Report of the Health and Social Services Committee - **BC(2)09-06(p14)**

The Local Authorities (Standing Orders) (Wales) Regulations 2006 - **BC(2)09-06 (p5)**

& Report by the Local Government and Public Services Committee –
BC(2)09-06(p12)

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) (Amendment) Regulations 2006 - **BC(2)09-06 (p6)**

Standing Order 25, Section 3

The Business Committee recommended the Accelerated procedure for BC(2)09-06(p1); BC(2)09-06(p2) and BC(2)09-06(p3). The Committee recommended the Standard procedure for BC(2)09-06(p4), BC(2)09-06(p4) and BC(2)09-06(p5). (Following the meeting, the Presiding Officer determined that none of these draft Orders need be referred to a Subject Committee.)

BC(2)09-06(p1)

4.1 The Chair said that this piece of amending legislation was required to correct drafting errors in the original Regulations, which had used gender-specific language. It was noted that the original legislation had been made under the Executive procedure and that the provision for the Legislation Committee to prepare a report for the Assembly's consideration had been disapplied.

BC(2)09-06(p4)

4.2 The Committee noted that the Explanatory Memorandum accompanying this draft Order said that "the legislation will be made in English only because discussions with the dental profession and Local Health Boards went on later than anticipated". Lisa Francis said that it was disappointing that a Welsh version of the legislation would not be made available. The Chair noted that the draft legislation had been considered by the Health and Social Services Committee in its meeting on 1st February.

(b) Standing Order 29 Subordinate Legislation

BC(2)09-06(p7)

4.3 The Committee noted the Directions to Cardiff Local Health Board, Swansea Local Health Board and Monmouthshire Local Health Board (2006).

BC(2)09-06(p8)

4.4 The Committee noted the e-mail of notification about the Minister for Health and Social Services' intention to approve the Directions to Local Health Boards and NHS Trusts in Wales 2006.

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

(d) Papers for Information

5. Committees

6. Forthcoming Business

BC(2)08-06(p11)

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

- There was no intention of scheduling a statement on the proposed plans for an off-shore Gwynt-y-Mor wind farm as the Department For Trade and Industry were currently undertaking a consultation process on this issue.
- A written statement on refuse collection had been issued on 13th March.
- There was no intention of scheduling a statement on the distribution of nicotine patches in schools as it was a local health initiative.
- There was no intention of scheduling a statement on the recent lecturers' pay dispute and the funding of the HE sector as a whole as salaries of university staff were a matter for the universities as employers . The Welsh Assembly Government has provided additional funding of over £33 million for Higher Education in Wales for the academic year, 2006/07.
- A statement on the progress for change agenda would be scheduled when the current phase of its implementation had been completed.
- A statement on the supply of oxygen contract by the Minister for Health and Social Services had been scheduled for 21 March.
- There was no intention of scheduling a statement on the health problems associated with the ecstasy drug. However, if a Member had a particular concern they could write to the appropriate Minister.
- There was no intention of scheduling a debate on the Power Commission's recommendations and their implications for the Assembly's new standing orders in advance of the establishment of the Standing Orders committee, which would be the appropriate forum for these considerations to take place.
- The issue of the Assembly's commitment to free trade would form part of the Commonwealth debate scheduled for the 15 March.
- There was no intention of scheduling a statement on the job losses announcement by Cable and Wireless as were no Cable and Wireless operations in Wales and any research exercise to find out what impact (if any) the company's restructuring would have on supply chains in Wales would be significant.

This Week's Business

BC(2)09-06(p10)

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

Business Managers' Requests

6.3 Jocelyn Davies asked if the following items of business could be scheduled :

- A statement on the police restructuring.
- A statement on ambulance response times and on the review of ambulance services in Wales.
- A statement on the Communities First Programme.
- A debate on transparency in Government.

6.4 Lisa Francis supported the above requests and asked if the following item of business could be scheduled:

- A statement on the service changes at Llandudno, St. Asaph and Abergele hospitals.

6.5 Peter Black supported the previous requests and asked if the following item of business could be scheduled:

- A Debate on the Power Commission

Draft Business Statement - BC(2)09-06(p11)

6.6 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 21st March, 28th March and 4th April.

6.7 Business Managers referred to the debate on the Report of the Government of Wales Bill Committee, which was scheduled for debate on 22 March, and had been allocated 60 minutes. They said that this was not sufficient time to debate such an important matter. They suggested that the meeting should be allocated 90 minutes and, if there was not enough time, that a special Plenary meeting could be scheduled to debate the Report.

7. Advice to Assembly on procedures

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT