

A Proposed Revised Code of Conduct for Assembly Members:

The proposal for a revised Code of Conduct for Assembly Members arises from recommendations contained in the report of Professor Woodhouse on the Review of the Standards of Conduct Regime of the National Assembly.

She advises that with regard to the Assembly's present Code of Standards, the principles of the Code could cause some problems of interpretation because of their generality.

This is also a potential problem with the explanations set out in the accompanying "Principles in Practice".

A revised Code should set out the Code's purpose and the personal conduct required of Member's, including adherence to the Nolan principles using the explanations in the Principles in Practice to illustrate the standard of conduct which is required.

In addition, Professor Woodhouse recommends that all the provisions of the Assembly's Notes of Guidance and Protocols which are considered to be relevant to the standards of conduct of each Assembly Member (excluding the Code for Assembly Members) should be included in the revised Code.

The attached draft revised Code of Conduct seeks to implement these recommendations. If implemented, it would take the place of the present Code (both the Principles and the Principles in Practice). In the first part of the draft headed "General Standards of Conduct", the Code's purpose is explained and the general requirements relating to a Member's conduct are explained. The principles set out in the present Code are incorporated in paragraph 5 of the draft revised code with explanations of each principle which reflect the provisions of the present Code, including the Principles and Practice.

The second part of the draft revised Code headed "Specific Standards of Conduct" seeks to reflect Professor Woodhouse's advice that the relevant provisions of the Assembly's Notes of Guidance and Protocols should be incorporated in the Code.

The Guidance and Protocols have all been analysed and those provisions which are considered to relate to the personal conduct of Members have been extracted and incorporated into this part of the draft Code.

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CODE OF CONDUCT

Purpose of the Code

1. The purpose of this Code of Conduct is:
 - (a) to provide guidance for Members of the National Assembly on the standards of conduct expected of them in the discharge of their parliamentary and public duties;
 - (b) to provide the openness and accountability necessary to reinforce public confidence in the way in which Members of the National Assembly perform their parliamentary and public duties.

2. This Code applies to all Members of the National Assembly who have not taken leave of absence.

General Standards of Conduct:

Public duty

3. By virtue of their oath, or affirmation, of allegiance, Members of the Assembly have a duty to be faithful and bear true allegiance to Her Majesty The Queen, Her heirs and successors, according to law.

Personal conduct

4. Members of the Assembly:
 - (a) must comply with the Code of Conduct;
 - (b) should act always on their personal honour;
 - (c) must never accept any financial inducement as an incentive or reward for exercising parliamentary influence;
 - (d) must not vote on any Order or motion, or ask any question in plenary or a committee, or promote any matter, in return for payment or any other material benefit (the "no paid advocacy" rule).

5. Members of the Assembly should observe the seven general principles of conduct identified by the Committee on Standards in Public Life. The seven principles are:
 - (a) Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
 - (b) Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
 - (c) Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- (d) **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- (e) **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They must not prevent any person from gaining access to information which that person is entitled by law, but must not disclose confidential information without consent unless required to do so by law. They must submit themselves to whatever scrutiny is appropriate to their office.
- (f) **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- (g) **Leadership:** Holders of public office should promote and support these principles by leadership and example.

Primacy of the public interest

6. In the conduct of their Assembly duties, Members shall resolve any conflict between their personal interest and the public interest in favour of the public interest.

Specific Standards of Conduct:

Register of Interests

7. There shall be established a register of Members' interests, the categories of which are set out in the Annex to Standing Order 4 of the Assembly's Standing Orders. The register shall be maintained and published by the Presiding Officer.

A Member of the Assembly must register relevant interests.

The register shall be available for public inspection in accordance with arrangements made by the Presiding Officer. The register shall be regularly updated and shall be reprinted annually. The annual publication shall include all interests registered since the previous edition and all continuing interests unless their termination has been notified to the Presiding Officer.

Record of Declaration of Membership of Certain Societies

8. In addition to the Register of Interests, the Presiding Officer maintains and publishes a record of the declarations made by Members of the matters set out in the Annex to Standing Order X.

Registration and Declaration of Registrable Interests

9. Members of the Assembly must:

- (a) register in the Register of Members' Interests all relevant interests defined in the Annex to Standing Order 4, in order to make clear what are the interests that might reasonably be thought to influence their actions;
- (b) declare before speaking in Plenary, or in an Assembly Committee, any interest which is a relevant interest, under

Standing Order 4, in the context of the debate or the matter under discussion. This is necessary in order that their audience may form a balanced judgment of their arguments.

Prohibition of Voting in relation to Registrable Interests

10. A Member is prohibited from voting in any proceedings of the Assembly, or its Committees, if, in relation to any interest which is required to be registered, a particular decision of the Assembly or a Committee might result in a direct financial advantage to the Member greater than that which might accrue to persons affected by the decision generally.

Declaration of Membership of Societies

11. Membership of the categories of societies specified in Annex A to Standing Order X shall be declared by completing a form prescribed by the Presiding Officer.

Use of Assembly Resources

12. Members are required to comply with the Guidance for Members on the Use of Assembly Resources, which has been approved by the Presiding Officer on the recommendation of the House Committee and any Guidance issued to Members prior to an election campaign.

Conduct in the Chamber

13. Members are required to comply with the Protocol on Conduct in the Chamber, which has been approved by the Presiding Officer.

The key principle of which states that Members must at all times in their conduct promote respect for the Assembly and extend respect and courtesy to other Members. Members must comply with any direction given by the Presiding Officer about conduct in the Chamber.

Propriety Issues in the Handling of Planning Casework

14. Members are required to comply with the Guidance on Propriety Issues which has been approved by the National Assembly.

The aim of the Guidance is to ensure that the parties involved in planning cases are dealt with fairly, justly and openly, that all the evidence is fully considered and that decisions are completely based only material planning considerations to which all the parties have access.

Relationships between Assembly Members and Assembly Staff

15. Members are required to comply with the Protocol for Relationships between Assembly Members and Assembly Staff, which has been approved by the Assembly.

The key principles of which are that staff should carry out the instructions of the Assembly to the best of their ability and provide independent advice and

guidance. Relationships between Members and staff should be professional and based on mutual respect, and that the relationship between Members and staff should have regard to the duty of staff to remain politically impartial when carrying out their duties.

Conduct in Committees

16. Members are required to comply with the Guidance on Conduct in Committees, which has been approved by the Presiding Officer.

The main principle of the Guidance is to ensure that at all times in their conduct, Members promote respect for the Assembly and extend this respect and courtesy to other Members and anyone assisting the Committee with its work. Members must also comply with any directions given by the Chair relating to conduct in the Committee.

Enforcement of the Code:

Enforcement of the Code of Conduct

17. Allegations of non-compliance with this Code are dealt with as follows:
- (a) Any allegation should normally be raised first with the Member complained against.
 - (b) If the complainant chooses to pursue the matter, the procedure for doing so is set out in the Code of Practice on Complaints.
 - (c) In relation to any matters concerning the conduct of Members in Plenary, the matter should be raised with the Presiding Officer.