

Cynulliad Cenedlaethol Cymru Pwyllgor Safonau Ymddygiad

The National Assembly for Wales The Committee on Standards of Conduct

Dydd Iau, 9 Mehefin 2005
Thursday, 9 June 2005

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

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

>Aelodau o'r Cynulliad yn bresennol: Kirsty Williams (Cadeirydd), Jocelyn Davies, Tamsin Dunwoody-Kneafsey, Val Lloyd, Gwenda Thomas, Owen John Thomas, Brynle Williams.

>Swyddogion yn bresennol: Peter Jones, Cwnsel i Wasanaeth Seneddol y Cynulliad.

>Eraill yn bresennol: Richard Penn, y Comisiynydd Safonau.

>Gwasanaeth Seneddol y Cynulliad: Andrew George, Clerc; Steve George, Dirprwy Glerc; Gareth Rogers, Clerc Cynorthwyol.

>Assembly Members in attendance: Kirsty Williams (Chair), Jocelyn Davies, Tamsin Dunwoody-Kneafsey, Val Lloyd, Gwenda Thomas, Owen John Thomas, Brynle Williams.

>Officials in attendance: Peter Jones, Counsel to the Assembly Parliamentary Service.

>Others in attendance: Richard Penn, Commissioner for Standards.

>Assembly Parliamentary Service: Andrew George, Clerk; Steve George, Deputy Clerk; Gareth Rogers, Assistant Clerk.

Dechreuodd y cyfarfod am 9.16 a.m.

The meeting began at 9.16 a.m.

Cofnodion y Cyfarfod Diwethaf a Sylwadau Agoriadol y Cadeirydd Minutes of Last Meeting and Chair's Introductory Remarks

>**Kirsty Williams:** Good morning ladies and gentlemen. I call everyone to order and welcome you all to this morning's meeting of the Committee on Standards of Conduct. We should note that this is a slightly longer agenda than usual and although there is no formal break in the agenda, if Members would like a comfort break sometime after 10 a.m., we have arranged for tea and coffee to be available. However, we will see how it goes and how efficiently we can get through the agenda.

>>I remind everyone to switch off their mobile phones and any other electronic equipment that might interfere with the electronics in the room. I also remind everyone of the availability of simultaneous translation facilities.

>>We have received apologies from Karen Sinclair, David Davies and Lynne Neagle.

>>I ask Members to look at the minutes of the meeting that was held on 10 March. Are Members happy that they are a correct record of that meeting? I see that everyone is happy with that.

>*Cadarnhawyd cofnodion y cyfarfod blaenorol.*

The minutes of the previous meeting were ratified.

9.17 a.m.

Diweddaru ac Adolygu Camau yn Codi o STD(2) 02-05 Update and Review of Action Arising from STD(2) 02-05

>**Kirsty Williams:** A significant number of action points were agreed at the last meeting, all of which relate to recommendations in our ongoing work on the Woodhouse review. The secretariat has brought forward, as requested, a number of papers in relation to those points, which we will discuss during today's meeting.

>>We are still awaiting Plenary consideration of earlier recommendations by the committee, and that is also outlined in the paper. Do Members have any questions relating to those actions? If not, I will ask Andrew to provide us with an oral update on the registration of Members' interests following the changes most welcomingly agreed by the Plenary session. I thank all Members who spoke in that debate and Members who spent a great deal of time talking to colleagues in their groups about the merits of those changes. I thank you for the work that many of you did with regard to that matter. I am relieved that we do not have to deal with it again and spend any more of the committee's time on it. Andrew will give us an update on how the new regime is bedding down.

>**Mr A. George:** I have a couple of things to report in relation to the register of interests. As the Chair mentioned, the first is on the list of action points arising from the last meeting—there were a number of changes agreed to Standing Orders and guidance related to the register. There is also an item on the agenda today that proposes changes, and rather than have the Assembly deal with these piecemeal, we have been saving them up so that they can all go to the Business Committee and then on to Plenary as a package before the summer recess.

>I also wanted to report that, following the changes to the registration requirements, I wrote to all Members on 19 May, inviting them to register their membership of private clubs and societies, with a closing date of 16 June. I have had a good response from Members so far, and a wide range of queries on a huge variety of organisations. I think that the sheer variety of things that are coming forward justifies the committee's decision not to try to attempt some kind of definitive list, but to provide a broad definition of the types of organisation that need to be registered. I will provide a fuller report in the first meeting after the summer recess.

>**Kirsty Williams:** Thank you, Andrew. Do Members have any questions for Andrew on the new standards regime and the new register? I see that everyone is happy with that. We look forward to receiving further information from Andrew after the summer.

9.20 a.m.

Adroddiad y Comisiynydd Safonau **The Report of the Commissioner for Standards**

>**Kirsty Williams:** This is a new item for the committee in the sense that it has been formally included on the agenda. Richard, will you present your report? Members may then ask questions.

>**Mr Penn:** Thanks, Chair. Just to pick up on your first point, it is helpful that you have agreed that this should be a standing item for committee meetings, so that I can just update Members on some of the activities in which I have been involved. That is very welcome, and it will be helpful to me and, I hope, to Members. I just want to pick out a couple of points from the report that I have provided, which went out with the agenda papers. First, Gareth Rogers, who is here somewhere, is now working with me to help establish what is called in paragraph 5 of the report 'the Office of the Commissioner for Standards'. I do have an office, an actual room, which is helpful, but Gareth is helping to develop my resources to help me perform the role to which I have been appointed as commissioner. That is very helpful, and I am glad that Gareth is working with me, as he has been helpful in developing my role.

>Secondly, the report records some of the meetings that I plan to have or have already had. It is important that I meet with you, Chair—I know that we have a meeting lined up, but that will be an important meeting to discuss areas in which the commissioner and the committee can work together. The relationship is changed; we looked at the previous arrangements when there was an independent advisor. There was a facility for this committee to appoint its own advisor, if you remember, and it never did. However, in dealing with complaints, there was a facility for this committee to have its own advisor. That has gone, under the new Standing Orders. Now, I am the commissioner for the whole Assembly, but I have a particular relationship with this committee, and I think that you and I need to discuss how that will work in future.

>Something that has happened is that the secretariat for this meeting has involved me with the papers before you today—not my report, but the other papers—and I have had an input into them, which is one way in which I can ensure that I work with the committee and not just come to its meetings at which I comment on papers for the first time, perhaps. I am actually involved in the process, which is helpful.

>The development of a website also features in my report. Again, Gareth Rogers has done some excellent work already on setting up that website, including detailed information about the complaints process. When the site is launched, I will have a dedicated e-mail address, which I do not have at the minute, and we hope that the site will be launched some time in June—it is June already, is it not, but we hope that the website will be launched some time this month.

>The final paragraph states that I want to make myself accessible to Members, and not just when they have some complaint or they are the subject of a complaint, but in general terms as a resource to Assembly Members to help them with any issues of what is called the 'ethical framework' of the institution. If any Member wants to meet me to discuss that in general, as well as to discuss any specific issues, I am planning to have an open-door policy. I am not employed full time in this role, so I will have to arrange to meet people, but the approach that I am taking is that I am no longer, as was perceived, the 'Penarth policeman'. I am coming over to investigate complaints, but I also have a more fundamental role in the organisation, working with this committee to drive the organisation's standards culture, and I think that we have made a very good start in the last two months.

>**Kirsty Williams:** Thank you, Richard. Do Members have any questions?

>**Tamsin Dunwoody-Kneafsey:** It is not necessarily a question. First, I welcome the report, and I would like to see it disseminated further so that other Members also have access to it. I welcome the website; that is a good idea. I have one other suggestion, and, although I know that it is sometime hence, it would be good, after the election when new Members come in, for there to be a point of contact virtually immediately, as that would be a way of ensuring that standards and ethics are brought to the fore with any new elected representatives.

>**Kirsty Williams:** Thank you, Tamsin. Richard, are you happy for the report to be distributed?

>**Mr Penn:** Absolutely.

>**Kirsty Williams:** It is available on the intranet, is it not?

>**Mr A. George:** It is among the committee papers on the intranet. It is not more widely circulated.

>**Kirsty Williams:** Do Members think that we should proactively circulate it to all Members? It is easily done electronically, if Richard is happy for that to happen.

>**Mr Penn:** I am no technical expert, but maybe it could be associated with my website. The reports could also be placed there for Members to access, as well as through the committee pages.

>**Kirsty Williams:** Rather than send the report to people's e-mail addresses, we could perhaps send an e-mail drawing people's attention to the fact that this website is available and that the commissioner's reports will be available on it.

>**Tamsin Dunwoody-Kneafsey:** If you are going to do that, the two key points that I would like you to raise in the e-mail—if you are not going to send the report—are that there is a website and that you have an open-door policy. If those two points are made clearly in the e-mail and circulated, it achieves the same effect.

>**Mr Penn:** We have to launch the website, but I am not sure how we will do that. We will obviously let every Member know when the website is available. I am not sure when that will be—perhaps Gareth can update me on when it will go live? Will it be some time in June, Gareth?

>**Mr Rogers:** Hopefully.

>**Gwenda Thomas:** Is it intended that your report will become a regular agenda item?

>**Kirsty Williams:** I was going to suggest that. I would like it to be a regular item. I would like to confirm with Members that they would be happy with that, but it is my intention and Richard's intention that every meeting will have a report. Is everyone content with that way forward? I see that they are. Therefore, we will work on some communication strategy to tie-in with the launch of the website, and let other Members know that those reports are available, and the approach that Richard is taking.

9.26 a.m.

Y Papur Gwyn Arfaethedig a Mesur Llywodraeth Cymru The Proposed White Paper and Government of Wales Bill

>**Kirsty Williams:** The committee will be aware of the recommendation contained within the Woodhouse report, and the committee's subsequent discussions of our desire to seek primary legislation for a statutory commissioner for standards. The White Paper and the new Government of Wales Bill provide, potentially, us with an opportunity for achieving that and, as we will discuss later, other standards issues that we might want to consider.

>We will start with the statutory commissioner for standards issue. My latest understanding is that we expect the White Paper to be published on 16 June—it will certainly be published before 21 June. That is imminent, and we now have an opportunity to look at what our strategy may be in trying to ensure that the Bill will include the changes that we seek to bolster the committee's work. On the issue of the statutory commissioner, the paper produced by the secretariat provides advice on how this might be taken forward, and it identifies the possible powers that should be included within the White Paper and the Bill. The paper is fairly self-explanatory, so we will go straight to questions.

>**Gwenda Thomas:** To turn to the recommendations in the Woodhouse report, there are two added proposed powers in what we are being asked to agree today. One is to deal with complaints against Members, and the other to place such other duties on the commissioner in relation to ethical standards as the Assembly sees fit. Why are they there? Do we need extra statutory powers to investigate complaints against Members? If so, I can see the sense of including it in the Bill, but why have they been added and what other duties do we anticipate seeking of the commissioner in relation to ethical standards? Would we need to be specific about that before we pass the recommendation on?

>**Mr S. George:** In terms of the one to place other duties on the commissioner, that arises from changes to Standing Orders that we agreed with the establishment of Richard's post. You are right that it is not explicit in the Woodhouse report, but it seems to me a logical extension of what we already have in place, and it would be rather strange to establish a statutory commissioner without the wider duty that is already in the Standing Orders.

9.30 a.m.

>It is very difficult to divorce the role of the commissioner from a complaint procedure. For instance, the Bill that established the Scottish commissioner is predominantly about the complaint procedure. It states what the commissioner has to do at various points and how that is defined, so it sets out many of the rights. So, you are quite right, it is not in the Woodhouse review, but I think that there was a feeling that it was just a logical extension of the existing direction of travel and that it was implicit in what the committee had already agreed.

>**Gwenda Thomas:** And on the other duties? Is it just to leave the door open?

>**Mr S. George:** Perhaps I should draw attention to the fact that what we are recommending here are permissive powers, which would allow the Assembly to frame its own framework to enable this committee to build on the work that has already been done and to see how it wants to develop that, rather than having restrictive clauses built into the Bill from the start.

>**Kirsty Williams:** Are you satisfied with that reply?

>**Gwenda Thomas:** Yes.

>**Kirsty Williams:** Are there any further questions on the paper?

>**Tamsin Dunwoody-Kneafsey:** On item vi, I think that if you change the wording from 'as the Assembly sees fit' to something more appropriate like 'as agreed by the Committee on Standards of Conduct and brought before the Assembly', or whatever—do you see what I mean? That phraseology is a bit loose. However, I am probably satisfied.

>**Kirsty Williams:** Are Members content then with the recommendations contained in the paper, subject to that change of phrasing? We will look to work with the Committee Secretariat on how we can go forward practically in terms of making people aware that this is the committee's view and that this is what we hope to achieve. I think that there are formal and informal ways of pursuing that and perhaps certain colleagues here could bear that in mind when discussing some of these issues. However, formally, it is very useful to have the collective view of the committee that this is desirable on our behalf.

>**Mr Jones:** I think that it is very important that, whatever the views that we have on these matters are, they go forward as soon as possible, at the earliest stages and before the Bill is drafted.

>**Kirsty Williams:** That is the issue. I am not anticipating any of this being in what we see on 16 June, but there are opportunities. So, perhaps the first stage would be to formally write to the First Minister and to the Wales Office, outlining the decision of the committee this morning and the desirability and to, perhaps, if it is appropriate, seek an opportunity to meet the First Minister and somebody at the Wales Office to discuss this further. If such a meeting is agreed to, I would extend an open invitation to Members to join me, as Chair of the committee, in that meeting, if Members feel that that they would like to do that or that it would be appropriate.

>We will move on to the second part of the discussion on other areas of conduct issues, which we may wish to look to put forward with regard to the White Paper and the Bill. Steve, is there anything that you would like to say?

>**Mr S. George:** I will just pick up on the point that Mrs Thomas made earlier. One of these recommendations falls directly from the Woodhouse review but, in terms of the rest of it, we have this opportunity and we felt that these were the sorts of areas where the committee might want to consider making a case. They do not all flow directly from the Woodhouse review; they are just seen as being in line with the general direction of travel that the committee has been taking.

>**Kirsty Williams:** I would like to take them one by one, because there may be a different approach to each issue. We will start with the defence against failing to register or declare an interest.

>**Val Lloyd:** I am pleased that you have started with this so that I can get it off my chest. I had great difficulty in understanding where this was coming from. I read and reread it. I obviously understood the English but there was some missing link in my head. I think that I might have sorted it out now, thanks to my friend Jocelyn, because I raised this with her at the start of the meeting. However, I wondered whether somebody could help me through it. I came at it rather simplistically in the beginning and thought, 'well, you either register or you do not register, so how can you have a defence?'. I think that I understand it now, but I would like a more formal explanation.

>**Kirsty Williams:** Absolutely. If one is taking a very hard-line, puritanical view, I wonder why we are beginning to discuss this. Perhaps Steve might want to come in on this.

>**Mr S. George:** This was one of the issues identified in the Woodhouse review. Very simply, there are occasions—in fact, I think that we can say that there have been occasions—when Members have not registered interests. Frankly, they have not even been aware that there was a requirement to register, and, probably, even if they knew of the issue, they might not have been aware that that requirement existed. So, this is not about giving Members some carte blanche to not be able to register as they see fit; a very strong injunction would still be to register interests. However, clearly in circumstances whereby it was utterly unreasonable to assume that a Member knew that they had to register an interest, this would provide a legal defence against that. The Member, I think, would have to show—and perhaps Peter can help me out on this—that they complied with the legally defined terms of that defence.

>**Mr Jones:** Yes. It is quite a common feature of offence provisions in Acts of Parliament to have the due diligence defence. That makes it absolutely clear, otherwise you get these woolly, grey areas whereby it is difficult sometimes for the court to decide what the offence is. It is quite a common thing to have this due diligence defence.

>**Jocelyn Davies:** On the last point about the Member acting upon the advice of the person with responsibility for advising on interests, I agree with the thrust of the paper—it is not fair to put that onus on officials. If I were an official, I would say ‘yes, you should register’. I am not sure whether that should be included. I wish to ask Peter whether Members could possibly hold an interest that would be illegal for them to publicly declare? Would there be other legislation that might prevent you from declaring something? Is it possible that Members might have to keep something secret?

>**Mr Jones:** I cannot think of anything off hand, but there could well be something, I suppose.

>**Jocelyn Davies:** I am just wondering whether we ought to have something that says that you cannot be expected to declare something publicly if it is illegal for you to do so. You were saying that there may be such circumstances.

>**Kirsty Williams:** What are you doing in your spare time, Jocelyn?

>**Tamsin Dunwoody-Kneafsey:** That would be something under the Official Secrets Act 1989.

>**Mr Jones:** There could be something tucked away somewhere.

>**Jocelyn Davies:** It is a possibility. On the part on Members not being aware that their spouses hold an interest, I have known of people being very surprised, when reading the will of a family member, to hear of properties and interests that the rest of the family knew absolutely nothing about. So, you do not have to tell your partner your business.

>**Tamsin Dunwoody-Kneafsey:** It is the same with children. Kofi Annan’s situation is a good example.

>**Kirsty Williams:** I can certainly foresee circumstances whereby someone might not have fully informed their spouse or partner of their full circumstances. You could be held responsible for that.

>**Brynle Williams:** It gets even worse, particularly when you have partners in business and you do not know what is going on. It is a devil of a job to decide what is your legal obligation to declare and what is not. As you have already highlighted, you do not know what your partner, be it a marital partner or a business partner, is doing. With business now, everything is so intricate and you take in partners or get advice from various people, and God knows where you are. You do not know who is in charge of what. Several local incidents come to mind.

9.40 a.m.

>**Gwenda Thomas:** The difficulty that I had when reading this was that there were two issues. The first was a Member not being aware that he or she needed to declare the interest, and I had difficulty with that, and the other was a Member not being aware that he or she had a registrable interest. I am not sure if the paper or the recommendations make that clear. I cannot see any excuse for a Member to say that they did not know that they needed to register, but I can see a situation arising when the Member is not aware of the registrable interest. I think that there is a difference there. On recommendation 2—are we dealing with that yet?

>**Kirsty Williams:** Not yet; we will take them one by one, as we reach an agreement on each. Steve, is it possible to make that distinction and could there be a defence with regard to a Member not knowing that they had a registrable interest as opposed to not knowing that they needed to register something? I think that Gwenda is right; there is a difference.

>**Mr S. George:** I am sure that it is possible to make that distinction. We have, I think, four possible defences in the Woodhouse report, one of which, for the reasons that Ms Davies outlined, has been ruled out. However, it is for the committee to decide which of those it favours. Peter mentioned the due diligence defence, which is a common one. Woodhouse presented this as a menu of options. It is for Members to decide which they favour and, if there is any particular option that they favour, for which they want to make a case to take account of our particular circumstances, I am sure that that would be fine, bearing in mind that what we are talking about here is a bid. There is no guarantee that what is said here or by the Assembly will be taken forward.

>**Mr Jones:** As far as any Bill is concerned, we could say what we wanted; it would then be for parliamentary counsel to draft it. We just have to be clear as to what we want.

>**Kirsty Williams:** So, have we reached the point where we are clear about what we want? Gwenda has raised the point about whether or not we would want to make a distinction between a Member using as a defence the fact that they did not know they had to register an interest as opposed to being able to provide a defence that they simply were not aware of an interest and that is why they failed to register it. There is also the more wide-ranging option, namely to include it in the secretariat's recommendation rather than the Woodhouse menu.

>**Tamsin Dunwoody-Kneafsey:** To take it back a stage: you either have a defence or you do not have a defence. If you are working on the principle that we have always worked on, namely that there should be a defence, then I have to say that I think that point 5 is the defence:

>'Members took all reasonable steps and exercised all due diligence to comply with the requirements and registration and declaration of interest.'

>That covers both of those issues and then the case must be considered on its merits. To me, that is the most logical and simplest form of wording that is reasonable. The 'reasonable' and 'due diligence' cover it.

>**Kirsty Williams:** I prefer that route because the prosecution would say, 'hang on a minute, as a Member of the Assembly, you are required to read the code of conduct and there are plenty of opportunities for you to be aware of your responsibilities'. As you said, each Member would then have to defend themselves on the basis of why they did not know, or why they had not availed themselves of the opportunity to find out about the rules.

>**Tamsin Dunwoody-Kneafsey:** It is quite rigid to say that you have exercised due diligence because you must clearly demonstrate that you have taken those actions to get to the point where you have failed. So, that one is succinct enough to cover everything.

>**Jocelyn Davies:** I would agree; it puts the onus on the Member to prove his or her case.

>**Kirsty Williams:** Yes, it puts the onus on Members to prove that they took those steps to acquire the knowledge.

>**Mr Jones:** You would have to argue, or you would have to put forward the view, that you had spoken to your partner and so on and asked him or her what interest he or she had. You would have to demonstrate that.

>**Kirsty Williams:** Are Members content to agree that way forward with regard to this particular recommendation? I can see that you are.

>Can we now move on to number ii, namely matters in—

>**Jocelyn Davies:** Sorry, did we decide that we would take out that number iv?

>**Kirsty Williams:** Yes, on the advice of the official.

>We will move on to paragraph 20, which states:

>'in respect of lobbying for reward or consideration, to provide for Members to receive assistance in framing proposals put before the Assembly'.

>Do Members have any comments about this aspect? Steve, is there anything that you would like to explain further?

>**Mr S. George:** Should I answer questions?

>**Kirsty Williams:** Are there any questions?

>**Tamsin Dunwoody-Kneafsey:** I have some concerns about the section on assistance being given to a Member.

>**Kirsty Williams:** Is there a paragraph number?

>**Tamsin Dunwoody-Kneafsey:** Yes, it is recommendation 20 ii:

>'in respect of lobbying for reward or consideration, to provide for Members to receive assistance in framing proposals to put before the Assembly, provided such assistance is neither accepted by, nor given to, the Member in consideration of the Member promoting that proposal'.

>This involves external people, in theory, in providing a service in kind. Sorry, have I confused everyone? I am concerned that it implies that it is okay for Members to be given assistance by other people without that being declarable. That creates a legal anomaly in my mind. For example, for taxation purposes, anything received in kind would have to be declared. The fact that we are saying that it is okay for other people to provide assistance and to frame things that we might take forward almost accepted an implicit benefit in kind. Sorry, 'benefit in kind' is a financial term.

>**Kirsty Williams:** I know what 'benefit in kind' means.

>**Tamsin Dunwoody-Kneafsey:** I did not want to be too confusing.

>**Kirsty Williams:** I understand what it means, but I do not know whether I share your concerns, and that is why I am pulling a face. I understand what you mean, but I am not sure that I necessarily agree. How do other Members feel?

>**Jocelyn Davies:** In terms of Standing Order No. 31—on the private Member's Bill, if you like—Shelter has assisted in the past by putting words on paper. I do not see anything wrong with that, because we do not always have the expertise. Outside interest groups have, on more than one occasion, assisted in framing legislation for us.

>**Kirsty Williams:** Recalling our days on the Assembly Review of Procedures, one thing that was bemoaned was the fact that not enough organisations in Wales, unlike London, were taking on this role and looking to exploit this opportunity. I understand that, in London, many organisations have Bills ready to go, and, when a Member comes to the top of the list for a private Member's Bill, those organisations actively lobby for that Member. We were bemoaning the fact that, in Wales, we did not have the culture whereby outside organisations and the voluntary sector were engaged in realising the potential opportunities to work with us in this area.

>**Jocelyn Davies:** I can see that there may be concerns regarding an outside interest group paying someone to work for it. It might pay someone's salary—

>**Tamsin Dunwoody-Kneafsey:** There is a difference between providing information and receiving assistance.

>**Mr Penn:** It may be that the definition of 'assistance' is the problem. I read 'assistance' to mean a piece of paper that outlines a way of promoting an issue and not of giving a reward either in kind or directly. Perhaps 'assistance' should be more closely defined. In respect of lobbying for reward, that sets the mindset that this is somehow about being rewarded. If those words were not there, then it might be easier.

>**Kirsty Williams:** I take your point. If an organisation was paying to have a member of staff in your office, then people would need to know that that was the case.

9.50 a.m.

>**Tamsin Dunwoody-Kneafsey:** It would cover that would it not, in the way that it is framed?

>**Mr S. George:** It may do that. First of all, perhaps we should say that this has not been a huge problem for us in the Assembly. It has been identified elsewhere, but that is because the legislation is so similar and perhaps we are moving to a different system for the Assembly as a whole. However, there are two ways of approaching this. First, there is the model that has been suggested in Scotland, which, to be clear, has not yet been adopted there. Secondly, we could ask for permissive powers to allow this committee, and then the Assembly, to consider the matter in more detail and perhaps decide that there is no need for a change or that they could change in other ways. I think that there is a difficulty with trying now to frame detailed provisions. However, I think that you are absolutely right that there is a kind of lacuna that was not there previously.

>**Jocelyn Davies:** We sometimes receive briefings that provide assistance, with suggested questions to table.

>**Tamsin Dunwoody-Kneafsey:** That type of passing of information from experts in a given field is acceptable. What is not acceptable is the employment of someone to whom you then have access. That is why I think that the second suggestion whereby we ask for permissive powers is the most logical.

>**Gwenda Thomas:** I have difficulty with paragraph 2 of the recommendations because, to be honest, I found it difficult to understand. When we say

>'such assistance is neither accepted by, nor given to',

>how is the Member in control of the motive of the giving? In the end, I just had to turn the page.

>**Mr S. George:** I am going to blame the Scottish committee because it drafted it. [*Laughter.*]

>**Kirsty Williams:** Would it, therefore, be acceptable that we make no firm proposals with regard to this, but look to a more catch-all permissive clause that would allow us to have more scope over our own regime rather than making specific proposals with regard to this? In the light of experience and further consideration, should we ever feel, as a committee, that this could become a potential problem, there would be the ability in the legislation for us to take it forward without having to go back to London. Is that the most acceptable way forward to proceed on this? I see that Members agree.

>I turn to the point about whether or not to include in the Government of Wales Bill

>‘broader enabling powers in relation to the specific areas’.

>I think that we are looking at a more general issue and that we can make quite specific requests as regards the statutory commissioner in terms of ‘a defence’, and then look for a more enabling clause.

>**Mr S. George:** I should just point out a typographical error that I have just spotted. Paragraph 21(i) says, ‘para 21 above’, but, if it is not immediately obvious, it should read, ‘para 20 above’. I apologise for that.

>**Kirsty Williams:** I think that that is the approach to be taken—quite firm requests with regard to those first two issues, and then a more general enabling, permissive line in any legislation that will give us greater control and allow us to move forward at a pace and a time that is relevant to us, in the light of experience. Is that clear, Steve? I think that everyone has agreed that that is the way forward.

>**Mr S. George:** Yes.

>**Kirsty Williams:** We will work with the secretariat on that to see how successful we can be in making some of these changes. As I said, I do not anticipate that they will have thought about any of this yet, so let us hope that we find open ears when we bring this forward to them. I do not think that it is controversial and, as it has been agreed on an all-party basis, not on a political basis, it will allow us to improve the regime that we have.

9.54 a.m.

Adolygiad Woodhouse—Dwyn Anfri ar Swydd Aelod neu ar y Cynulliad Woodhouse Review—Bringing the Office of Member or the Assembly into Disrepute

>**Kirsty Williams:** I think that we are quickly coming to a stage where we will have gone through all of the recommendations and will be able to say that we have done this document full justice.

>We are asked to consider proposals on whether there should be, in the principles under which the code operates, a requirement that Members must not bring the office of Member or the Assembly into disrepute. I have quite strong views on this, but I will listen to what my colleagues think before I say anything. Does anyone wish to comment on the recommendations, disagree violently with them, or put forward a different perspective?

>**Tamsin Dunwoody-Kneafsey:** I just wanted to say that this is one of those issues—we all have a duty not to bring the office into disrepute, but to then try to cover private lives is quite extraordinary and unreasonable. It is entirely up to us to act appropriately, and if we should carry out anything in our private lives that is inappropriate, it would be obvious and, therefore, would be answerable under the normal procedures. However, I would find it deeply offensive if the code suggested that my private life should be watched.

>**Mr Penn:** I was going to tell the committee about some things that are going on externally. There is currently a consultation process in local government in England about this issue, which has caused a lot of problems. A consultation paper has been produced in which it states that

>‘when interpreting and applying paragraph 4, as currently worded’—

>what its code says is quite similar to what ours says—

>‘it is not a question of the general social immorality of a member’s conduct’.

>So, it is not about whether or not people are doing naughty things; it is whether or not the committal of an act is likely to compromise the reputation of the authority. That is what English local government is being steered towards. It is not that people should be censorious about other individuals’ private lives, but it is about whether or not someone, in committing an act, is likely to compromise the reputation of the authority. That is what is being consulted upon. It will be interesting to see what comes back from English local government, and that will find its way through to the code of conduct for councillors in Wales.

>Linking private and public lives is very difficult for any institution. What we are saying in this document is that there is a provision in the code of conduct, as you know, which says that Members should refrain from any action that would bring the Assembly or its Members generally into disrepute. Talking this through with the secretariat, what we concluded—and this is captured in paragraph 7—is that each case should be treated on its merits. It is not possible to neatly divide private and public spheres, so you should not prescribe what Members do in their private lives. However, I think that there should still be an environment in which a complaint about something that a Member of the Assembly has done should be treated on its merits. The test should be whether or not that act subsequently brought the Assembly into disrepute. That is the test that we have used in the past, and I think that we are saying that it should continue to be the test in the future, given this new requirement in the code of conduct.

>**Gwenda Thomas:** I strongly support this recommendation. Each case should be treated on its merit, both where there is suspicion of a criminal act or a conviction following a court hearing. We had an example yesterday, and I think that a child protection issue could arise here. I think that it is very important that each case is considered on its merit, at whatever stage the behaviour becomes apparent. Not to do so would set Assembly Members apart from any other profession where actions have to be taken in the event of people being questioned about potential criminal acts. I think that it is very important to have that option.

>**Tamsin Dunwoody-Kneafsey:** I think that there are differences that we need to clarify. We already have an entirely acceptable paragraph, which states that everything should be judged on its own merits. We also have very specific recommendations if something becomes a criminal act. That is different to another type of act in your private life that could fall within the remit of being viewed as disreputable. Therefore, there are differences, in that you may carry out something in your private life that is not criminal, but which someone feels may bring the place or yourself into disrepute. Therefore, I think that we have to be very careful and stick to the legal bit on the legal side, where we have already discussed it. Criminal acts will come within our conduct anyway, but this should be left exactly as it is, that each case is judged on its merits, and that we do not try to prescribe.

10.00 a.m.

>**Kirsty Williams:** I think that the current guidance and code that we have are robust enough, and I would be unhappy for us to push that any further.

>**Mr Penn:** Shall I just clarify this point about criminal activities? Again, it is the subject of consultation in English local government. It is not about a criminal activity in respect of not declaring an interest, or whatever; it is about, if you were convicted of a criminal offence that is nothing to do with your role as an Assembly Member, the extent to which that should be considered to have brought the Assembly into disrepute. That is the issue that is being consulted upon in English local government. Again, it is a question of judging each case on its merits. It may be that an Assembly Member does something that has nothing to do with his or her role as a Member that is a criminal offence that he or she is convicted for, and which may have brought the Assembly into disrepute. However, you cannot be prescriptive; it has to be judged on its merits and we have to see what the case made by someone is, and what the defence is. It is then for the committee to judge whether or not it is a breach of the code of conduct.

>**Kirsty Williams:** Absolutely. Our rules allow that to happen as it is. I do not think that we need to amend them any further, because they give Assembly Members legitimate protection, but, should a member of the public or anyone else feel that a breach of the code has been made, the rules give the opportunity for the standards commissioner and this committee to look at the matter. This does not preclude someone from that option of making a complaint. Therefore, we will accept the recommendation on the paper, and will continue as before. The system has served us well over the last six years, and I always come at matters from the perspective that, if it is not broken, we do not need to fix it.

>It is now about 10 a.m., but I assume that Members would rather crack on with the agenda than have a break. Therefore, we will move on.

10.02 a.m.

Adolygiad Woodhouse—Dyletswydd Ehangach i Ddatgan Buddiant Woodhouse Review—Wider Duty to Declare Interests

>**Kirsty Williams:** Again, this is quite a complex issue. I do not know whether the officials or Richard want to say anything about this; otherwise, we will take questions or comments from Members.

>**Gwenda Thomas:** This has arisen in my case, where a close family member needed to be represented on an issue. I wondered how to deal with it, so I wrote to the Presiding Officer—I am going back now to the beginning of the first Assembly—seeking advice, and saying that I felt that I should ask another Member to deal with the issue. There was agreement that that should happen, and that is how it proceeded. However, you could be in a tricky situation with such matters, particularly, in this case, as it was a planning issue, and I felt it wise to pass it on. Therefore, declaring an interest directly in what you are expected to do as a representative—as an Assembly Member—is important.

>**Tamsin Dunwoody-Kneafsey:** There are undoubtedly cases where conflicts of interest arise, and there is validity in passing the issue on to someone else. Again, the questions concern whether we are capable of making that decision for ourselves or do we have to be told it, and do we have to declare that in writing and in conversation. The Northern Irish recommendation is understandable under their circumstances, but somewhat over the top for Wales. Again, if there is a duty of a standard of conduct on us when dealing with correspondence, for example, a case where you might have some involvement or knowledge, surely it is our responsibility to pass that up the line and to explain to the person involved that you are unable to act in your capacity in that circumstance and are therefore referring it on? You do not have to declare why, but you have to act appropriately anyway, under our existing standards. So, again, to use your principle, if it works, why change it? I am not sure we need to be going down this detailed a route.

>**Jocelyn Davies:** Do you remember, Kirsty, some time ago in the Chamber when all the teachers and those who were married to teachers declared an interest, and so we spent half the debate declaring interests?

>**Val Lloyd:** School governors declared interests too.

>**Jocelyn Davies:** It seemed a bit ridiculous, so I would not want to get to a situation where every time you asked a question about education, you had to say that your husband was a teacher, or that you were still registered as a teacher, for example. I wrote to Sue Essex recently about a local government matter, and I felt that I should tell her that my spouse is a councillor. I said that I did not think that it was a declarable interest, but that I was just pointing it out. When writing to Ministers, it takes only a minute to add that, but I would not want us to be declaring interests all the time that sound trivial. It is a matter of striking a balance, and deciding when you think that you should point it out, even when it does not make any difference, or when it is not worth pointing out. Imagine if we all declared that we had a child in school every time we discussed education.

>**Val Lloyd:** Or a relative in hospital when discussing health.

>**Tamsin Dunwoody-Kneafsey:** On that very point, I am dealing with a case in my children's school where the case has clearly nothing to do with the children, but that is the very point at which you would say, 'I am a parent of children at the school; however x, y and z.' That is entirely appropriate, and we are capable of making such decisions.

>**Kirsty Williams:** I agree totally. It can be difficult, given my circumstances, when dealing with some agriculture issues. I always availed myself of the services of Delyth Evans, who, if I brought a case involving a family member to her attention, was more than happy to deal with it instead. I am sure that Members are perfectly aware of when to do that, or, as you said, to add a line in a letter to explain the circumstances. I think that our system is robust as it is, and it is not beyond the wit of Members to know when it is appropriate to do that. As you said, we do not want to be in a situation where somebody has to declare an interest, for example, every time they write a letter about a hospital or school because his or her parent or son or daughter is in the hospital or school. We do not need to do that.

>Are Members happy to leave things as they are? I see that we are.

10.09 a.m.

Cofrestru Rhoddion a Lletygarwch—Gwerth Cronnus Registration of Gifts and Hospitality—Cumulative Value

>**Kirsty Williams:** This has arisen from discussions that we have had previously. Jocelyn, I think that you raised the issue, which is a legitimate one, of what happens if a Member is receiving hospitality from one company that, over time, could be quite significant, but that, on an individual basis, does not need to be declared. There are some proposals in the paper. Do Members have any comments or questions on what the secretariat is proposing?

>**Val Lloyd:** I think that it should apply to gifts accumulated over the life of a particular Assembly. I notice that there is a calendar year for the House of Commons, but I think that we would be better advised to do it over the whole Assembly. It is clear where you are, and it is as it should be, because to me, from the standards point of view, it should be the whole Assembly, and it would also be clear to Members.

>**Kirsty Williams:** Is everybody of that opinion?

>**Tamsin Dunwoody-Kneafsey:** The definition used for the House of Commons in paragraph 7 is the appropriate one. It is also valid that it is wiped clean at the end of each accounting period.

>**Mr S. George:** However, if I understand what Ms Lloyd was suggesting, that would be at the end of four years.
10.10 a.m.

>**Val Lloyd:** Yes.

>**Kirsty Williams:** It would be from election to election. Are Members happy that there should be a requirement and that it would be over four years?

>**Val Lloyd:** It gets complicated then, Chair, and I am not suggesting it, but theoretically, if a Member is a Member in this Assembly and is re-elected, why, using my argument, should it not be carried on, if it is the same firm, group or organisation that is supplying that hospitality or whatever? The same principle applies. However, I think that that would be unreasonable, so that is why I suggested four years.

>**Jocelyn Davies:** The previous register still exists, so anybody could still look at the previous register. They still exist from 1999.

>**Kirsty Williams:** Yes, so people would be able to identify a pattern. It would not suddenly disappear from the public record. It would still be there on the public record that that interest had been declared in the previous Assembly and you could still find it.

>**Jocelyn Davies:** *The Echo* could still find it.

>**Tamsin Dunwoody-Kneafsey:** If we are saying that it should be over a four-year cumulative period, which is what Val is saying, that means that you would have to register every piece of hospitality, because you would not know which one would go over the limit by the end of the four years. Therefore, how do you get that to work? Are you expecting individual Members to keep a register of every piece of hospitality or gift that they have received, tot it up and then put it in?

>**Kirsty Williams:** Yes, absolutely.

>**Tamsin Dunwoody-Kneafsey:** I do not think that you will get that accepted. I do not know. I believe that an annual period is more reasonable than a four-year period.

>**Owen John Thomas:** Mae hanner dwsin o gemau rygbi rhyngwladol bob blwyddyn, a mwy ambell waith pan fo pencampwriaeth arall ar y gweill. Pe bai mwy nag un cwmni yn eich gwahodd i gêm, a ydych yn awgrymu eich bod yn edrych ar y swm hwnnw dros gyfnod o bedair blynedd os yw'r un cwmni yn gofyn ichi bedair gwaith, unwaith bob blwyddyn? Credaf fod hynny'n wahoddiad i bobl fel *The Echo* geisio gwneud rhywbeth o ddim byd. Mae hyn wedi bod yn digwydd ers chwe blynedd yn awr, ac nid oedd rhaid inni ddweud ein bod wedi cael gwahoddiad i gêm, gan fod cost y peth yn llai na'r isafswm. Yr ydych yn awgrymu yn awr ein bod ni'n mynd ymhellach ac yn ceisio proffwydo, fel y dywedodd Tamsin, beth sy'n mynd i ddigwydd yn ystod y ddwy flynedd nesaf neu beth bynnag. Mae ein cyfrifon yn cael eu hystyried yn flynyddol—dyna'r cyfnod ar gyfer cyfrifon, lwfansau a phopeth arall, a chredaf y dylem gadw at flwyddyn yn lle creu rhyw fath o broblem i'n hunain yn ddiangen.

>**Owen John Thomas:** We have half a dozen international rugby games each year, and sometimes more when another championship is on the go. If more than one company were to invite you to a game, are you suggesting that we should be looking at the cumulative sum over four years if one company invites you four times, once each year? I think that that is an invitation for people like *The Echo* to try to make something out of nothing. This has been happening for six years now, and we did not have to say that we had been invited to a game, as the cost was less than the minimum. You are now suggesting that we should go further and try to anticipate, as Tamsin said, what will happen over the ensuing two years or whatever. Our accounts are considered on an annual basis—that is the period for accounts, allowances and everything else, and I believe that we should stick to one year rather than create a problem for ourselves unnecessarily.

>**Val Lloyd:** I hear what you are saying. I do not know that I am convinced because the principle is that we should declare anyway. However, what is the difference, apart from the timescale, of four years compared to one year? The principle is the same. You say that you would have to declare everything because you would not know where it would lead over four years, but the same could be applied to one year.

>**Brynle Williams:** I am in support of Tamsin and Owen John here. It is far simpler that we keep it on an annual basis, because it will let us know where we are going. If you are going to wait until the end of four years, we could inadvertently be over, or whatever, and then be in trouble. If we run it on a 12-month basis, we will know that we put our basic returns in and we will know where we are up to. I think that that is what we should do, Chair.

>**Tamsin Dunwoody-Kneafsey:** I think that it should be run to the accounting year. To be honest, I would have difficulty remembering everywhere I went two years ago. I have a problem seeing how you will get every single Assembly Member to keep a register of every single item of hospitality or gift that we would not automatically declare. When you know that something is over a given value, you will automatically declare it—that is clear. If I go on a day trip on a barge this year, and then two years or a year down the line I go back with the same company to something else, such as a dinner, I would then need to register the first event, which is way under the value, three years later as a cumulative expense. That is unreasonable to me, in accounting terms. Declaring expenditure within a 12-month period, when you know that you are in receipt of expenditure that is over the level, is fine. I have a problem with doing that on a four-year basis.

>**Kirsty Williams:** Tamsin's diary is obviously much busier than mine.

>**Tamsin Dunwoody-Kneafsey:** I have a horrendous diary.

>**Kirsty Williams:** That is the point that I was making; you obviously receive a lot more hospitality than me.

>**Gwenda Thomas:** I am thinking of public perception. We have just considered item 5(ii), and I wonder at what point the motive of the giving would overlap with our consideration of that previous item? Is there a link here to some lobbying proposals? Should we link consideration of this recommendation with what we agreed on 5(ii)? There are circumstances where they could overlap.

>**Kirsty Williams:** Thank you, Gwenda; that is an added dimension for us to debate. [*Laughter.*]

>**Owen John Thomas:** Mae Pwyllgor y Ty wedi trafod y busnes o gadw derbyniadau a chofnodion gwariant ar letygarwch ac yn y blaen. Daeth i benderfyniad ar hynny; nid wyf yn cofio'r union fanylion, ond mae gennyf deimlad y penderfynwyd eich bod yn cael y derbyniadau yn ôl ar ôl rhyw flwyddyn neu ddwy, a'ch bod yn gallu eu taflu i ffwrdd. Felly, wrth sôn am wneud rhywbeth dros bedair blynedd, dylem ofyn i Bwyllgor y Ty beth yn union yw'r drefn newydd. Gallai penderfyniad ynglyn â newid i bedair blynedd fynd yn groes i benderfyniad Pwyllgor y Ty.

>**Owen John Thomas:** The House Committee has discussed the issue of keeping receipts and records of expenditure for hospitality and so on. It came to a conclusion on that; I do not recall the precise details, but I have a feeling that it was decided that the receipts are to be returned to you after a year or two, and you can then dispose of them. So, when you discuss doing this over four years, we should ask the House Committee about the precise details of the new arrangements. Any decision regarding a change to a four-year term could contravene the decision of the House Committee.

>**Jocelyn Davies:** That is the point: we do not have receipts, because they are given to us by someone else. I see in the declaration of interests that Members sometimes receive money for media work—you often see something that says 'various media appearances and payment over the value of', or 'probably adding up to more than', or something similar. It is not as if we are asking Members to put this down to the penny. It probably would not hurt Members to keep a record of how many times BT has fed them, watered them and entertained them. I think that four years is reasonable.

>**Kirsty Williams:** We should take a step back and think of why we are discussing this in the first place. There was a concern that we were not picking up on Members who were receiving continued hospitality from a particular organisation that would consistently fall under the declarable levels but which, over a period of time, could be regarded as potential influence and therefore needed to be declared. I do not think that it is beyond our wit to remember how many times BT took us to a rugby match over a period of four years. It is not difficult to do that.

>**Jocelyn Davies:** If we decided to go ahead with it, we would not be asking people to remember four years ago, or even two years ago; you would just keep a record from the point when we decided that we would do this. You would just keep a record of when you were receiving hospitality. If you could not do that, then I would not accept the hospitality.

>**Owen John Thomas:** Os ydych yn cael gwahoddiad i dderbyn lletygarwch oddi wrth rhyw gwmni ar gyfer gêm rygbi, er enghraifft, yr ydych yn mynd i'r bocs lletygarwch heb wybod beth yw'r gost. Sut allech chi roi pris ar hynny? Nid yw'n sedd yn y stadiwm, felly nid oes gennyf glem faint yw ei werth, ac nid yw'n bosibl imi roi pris arno.

>**Kirsty Williams:** Ask.

10.20 a.m.

>**Owen John Thomas:** Gallech gael bwyd yno hefyd. Nid wyf am fynd at y cwmni a gofyn, 'faint o bobl a gafodd fwyd, beth oedd y bil—a allwch ei rannu rhwng 12 neu 15 er mwyn imi wybod beth yw'r gost gan fod yn rhaid i mi ddweud wrthynt yn y Cynulliad?'. Nid yw hynny'n digwydd. Nid oes gennyf glem beth yw gwerth neu gost ymweliad â gêm rygbi ac eistedd mewn bocs lletygarwch.

>**Kirsty Williams:** On that point, it is your responsibility. I find that organisations provide that information. They are more than willing and, in fact, are sometimes proactive in telling you whether there is a need for you to declare the hospitality. Organisations are more than willing, if you explain—

>**Owen John Thomas:** A ydych chi erioed wedi bod i gêm rygbi a derbyn lletygarwch gan gwmni?

>**Kirsty Williams:** Yes.

>**Owen John Thomas:** A ydych chi wedi darganfod y manylion bob tro yn y ffordd yr ydych newydd sôn amdani? A ydych yn rhannu cost y bwyd a gofyn faint dalwyd amdano ac yn y blaen? A ydych chi'n gwneud hynny?

>**Kirsty Williams:** The last time that I went I did. I was with the Royal Bank of Scotland and Brynle was also there. The company was proactive in letting us know whether there was an issue.

>**Brynle Williams:** We went with your husband, my wife and several others to the Royal Bank of Scotland box. We had an excellent afternoon and had a meal. There was a reception and everything. However, I also received two tickets from Brains brewery for the last game. They were only two tickets and they did not have the cost printed on them. They were complementary tickets, but they were right up in the Gods. How do you calculate the cost of that? I have taken hospitality from two companies in Cardiff to go to the rugby. You could argue that one was worth £500 per couple, for the Royal Bank of Scotland event, and I assume that, for the other one, the face value of the tickets was £30 a piece, therefore it was £60. There is a vast difference.

>**Kirsty Williams:** Absolutely, I agree. We need to bring it back to the principles. I think that we agree that there is a potential issue here, but what divides us is whether it should be an annual process or a four-year process.

>**Val Lloyd:** If we propose to do it, we are doing it on the principle that we should be honest and upfront with our constituents about declaring hospitality. There may be practical difficulties, and I would accept the difficulties that Tamsin outlined, but if we accept the principle for a year, to me, that principle extends to four years because you have to go back and ask yourself why we are doing it. If we accept the principle that we are doing it to be seen, and to let anybody who wishes to access the register know those details about us, it holds good for four years.

>**Tamsin Dunwoody-Kneafsey:** The principle is an accounting year. Everything that you do in declaring your income and any hospitality or gifts-in-kind that are taxable is done in an accounting year. That is on record. Your allowances are also annual. If you want it to be seen as cumulative over four years, you do it as a one-year figure—2002, 2003, 2004, 2005. You can keep that on record. However, if you are doing it as a whole four-year figure, I think that you will run into major difficulties, first, in terms of implementation and, secondly, in terms of the overall activity of the Assembly regarding what we do, what the Cabinet does, and the long-term appearance of the Assembly. I have to tell you that I would vote against a four-year figure.

>**Owen John Thomas:** If you are invited to receive hospitality from a particular company at a rugby match, for example, you go into the hospitality box not knowing how much it is costing them. How can you put a price on that? It is not a seat in the stadium, so I have not got a clue how much it is worth, and it is not possible for me to put a price on it.

>**Owen John Thomas:** You can also be given food there. I do not go to the company and ask, 'how many people had food, what was the bill for the food—could you divide it between 12 or 15 so that I can know what the cost was, as I have to let them know in the Assembly?'. That does not happen. I have no idea of the value or cost of attending a rugby game and sitting in a hospitality box.

>**Owen John Thomas:** Have you ever been to a rugby game and received corporate hospitality?

>**Owen John Thomas:** Have you always asked for the details in the way that you just mentioned? Do you divide the cost of the food and ask how much had been paid for the food and so on? Do you do that?

>**Val Lloyd:** May I clarify something? I may have misunderstood what you were saying, Tamsin. If you use it as you said then, that it would still be recorded on a yearly basis, I do not have any difficulty with that because it will be there for the four-year term. However, from my understanding of what you said earlier, and I apologise if—

>**Tamsin Dunwoody-Kneafsey:** The total stops at the end of one year, but it would still be on record.

>**Val Lloyd:** It stops, but it is still on the record and for us it would be the cumulative of four years.

>**Tamsin Dunwoody-Kneafsey:** No, it would not be the cumulative of four years; it would be four sums of money on record.

>**Kirsty Williams:** I think that there is a difference and it is obviously a principled difference between everyone here. There would be a difference because, of course, were the figure to fall below a certain amount in the year, it would not have to be on the record. So, there is a difference.

>We will not get any further this morning in discussions about this matter, so I have checked with Steve, and he thinks that he could bring back another paper that would flesh out some of the arguments that we have had this morning and look at some examples of how it may work. We could have further papers before us to discuss what the consequences may be, because, as you said, there is potential for misunderstanding the kind of figures that might have to be recorded under different circumstances. I will ask the secretariat to look at drafting a paper that would show an example of how the register may work for Assembly Member A in 2010, what it might look like and what the requirements might be, and then we can have further discussions based on that further information.

>**Tamsin Dunwoody-Kneafsey:** Can you bring forward any other options, and not just what it would be like were we do to this, but also what happens in other places in terms of cumulative values? Could we look at other assemblies and parliaments to find out what happens? This is, frankly, a question of practicality as well as of principle.

>**Kirsty Williams:** Steve?

>**Mr S. George:** Certainly. We have outlined some of the stuff from other assemblies already, but we could include more. I assume that the committee is content with the principle, and is also content with the definition that we outlined of what cumulative value should be. The paper would, then, be purely about the practical arrangements that might apply under various different timescales.

>**Kirsty Williams:** That is right, and we are all agreed on the principle of registering the cumulative value. It is just a matter of whether that is done annually or four-yearly. If Steve feels able to expand on how it is done in other places—the paper does mention how it is done in other places—I am more than happy to look at it again with some practical examples of how it may work. Are we happy to proceed on that basis? Right, thank you for that.

10.27 a.m.

Unrhyw Fater Arall

Any Other Business

>**Kirsty Williams:** I draw people's attention to the fact that this is the last meeting before the summer recess. Unfortunately, we do not have dates for the autumn term; the periodic timetable is still being worked on. As soon as that becomes available, we will circulate the dates to bring to Members' attention when we will potentially be meeting, with the caveat, as I always say, that something might crop up in the meantime with regards to a case. I do not anticipate any cases, but Members need to be aware that, sometimes, we cannot schedule for those events. Committee members may also wish to be aware that Karen Sinclair and I recently met a delegation from the Parliament of New South Wales, including the Deputy Speaker and the Chair of the Legislative Assembly Standing Ethics Committee. It was a most enlightening meeting about how they regard standards regimes, and I am pleased to say that I had far fewer cases to report to them than they reported to me; that was very pleasing. The visit was highly informative, and I hope that they have been able to take something back with them on how we in Wales do things.

>Finally, before we finish, I extend my thanks to Steve, and I am sure that that sentiment is shared by all members of the committee. Members may be aware that this is Steve's last meeting with the Committee on Standards of Conduct. He will be taking up a new post as clerk to the Education and Lifelong Learning Committee. Steve has worked with the Committee on Standards of Conduct over the last three years, and I am sure that we are all grateful to him for all his hard work and effort. We wish him well in his work for the Education and Lifelong Learning Committee and Chairman Black. Steve, thank you very much, and good luck; I am sure that you will enjoy your new role.

>If Members have no other business, I thank you for your attendance and we will meet again in September, hopefully. Thank you.

Daeth y cyfarfod i ben am 10.30 p.m.

The meeting ended at 10.30 p.m.