

Committee on the Government of Wales Bill

Minutes GWB(2)-06-06 (mins)

Date: Tuesday 14 February 2006

Time: 15 minutes after the end of plenary

Venue: Committee Room 3, National Assembly Offices, Cardiff Bay

Assembly Members in Attendance

Assembly Member	Constituency
Leighton Andrews	Rhondda
Nick Bourne	Mid and West Wales
Jocelyn Davies	South Wales East
Mike German	South Wales East
Christine Gwyther	Carmarthen West and South Pembrokeshire
Jane Hutt	Vale of Glamorgan
Ann Jones	Vale of Clwyd
Ieuan Wyn Jones	Ynys Mon
John Marek (Acting Chair)	Wrexham
David Melding	South Wales Central
Gwenda Thomas	Neath

Officials

Name	Representing
Paul Silk	Clerk to the Assembly
Peter Jones	Counsel to the Assembly Parliamentary Service
Hugh Rawlings	Constitutional Affairs Unit, Welsh Assembly Government

Committee Service

Name	Job title
Gareth Williams	Committee Clerk
Siân Wilkins	Committee Clerk
Sarah Beasley	Deputy Committee Clerk

Item 1: Introduction, Apologies, Substitutions and Declarations of Interest

1.1 Apologies were received from the Presiding Officer. The Deputy Presiding Officer chaired the meeting in his absence.

1.2 Apologies were also received from Val Lloyd. Christine Gwyther attended the committee as her substitute.

1.3 The Deputy Presiding Officer stated his intention to use the casting vote only during the meeting, continuing the convention adopted by the Presiding Officer.

Item 2: Outstanding items from previous meeting

2.1 The Minister stated her intention to report back to the committee at its next meeting.

Item 3: Government of Wales Bill

Paper: **GWB(2)-06-06 (p2)**

3.1 Some of the issues raised in this paper had been discussed in the meeting of the 8 February 2006. The Committee, therefore, wished to return to this paper at its next meeting, to allow them time to consult the verbatim transcript from 8 February. [Action]

3.2 Chair – comment about costs associated with nullifying subordinate legislation, and negative resolution procedure: check Record.

Paper: **GWB(2)-06-06 (p1)**

3.3 Amendment 126: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 46, page 28 line 10

Delete (5) and replace with "(5) Where a First Minister is for any reason unable to act or has resigned or the office of First Minister has become vacant the other Ministers shall remain in

office until the Assembly nominates a new First Minister; and shall elect one from their number to discharge the functions of the First Minister until such time as a new First Minister is appointed.

Following discussion, the amendment was voted on as follows:

For: Ieuan Wyn Jones, Jocelyn Davies (2)

Against: Jane Hutt, Gwenda Thomas, Ann Jones, Christine Gwyther, Leighton Andrews (5)

Abstention: Nick Bourne, David Melding, Mike German (3)

Amendment defeated.

3.4 Amendment 140: proposed by the Welsh Liberal Democrats

Clause 48, page 29, line 8, at end insert

"(1A) The First Minister shall not seek Her Majesty's approval for any appointment under this section without the agreement of the Assembly".

Amendment 127: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 48 page 29 line 12

After "First Minister" add "or by a resolution of the Assembly to that effect."

Amendment 105: proposed by the Welsh Conservative Group

In subsection (5) after "resolves that the" insert "Welsh Minister or the".

Amendment 141: proposed by the Welsh Liberal Democrats

Clause 50, page 30, line 12, at end insert

"(1A) The First Minister shall not seek Her Majesty's approval for any appointment under this section without the agreement of the Assembly".

Amendment 106: proposed by the Welsh Conservative Group

In subsection (5) after "resolves that the" insert "Deputy Minister or the".

Amendment 107: proposed by the Welsh Conservative Group

Clause 51. New subsection (2) and renumber existing (2) as (3).

"(2) The number of Welsh Ministers shall not exceed 8 and the number of Deputy Welsh Ministers shall not exceed 5".

These amendments were grouped by the Chair for the purpose of discussion, but were voted upon separately.

Following discussion, these amendments were voted on as follows:

Amendment 140:

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Gwenda Thomas, Ann Jones, Christine Gwyther, Leighton Andrews (5)

Abstention: (0)

Casting Vote: (1) John Marek voted against the amendment, in accordance with Standing Order 8.14

Amendment defeated.

Amendment 127:

Amendment withdrawn

Amendment 105:

Amendment withdrawn

Amendment 141:

Amendment withdrawn

Amendment 106:

Amendment withdrawn

Amendment 107:

Amendment withdrawn

3.5 Amendment 128: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 58, page 34 line 22

Delete "Welsh Ministers" and replace with "Assembly."

Amendment 130: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 62, page 36 line 12

After "First Minister" insert ", the Assembly"

Amendment 142: proposed by the Welsh Liberal Democrats

Clause 58, page 34, line 22, leave out "Welsh Ministers" and insert "Assembly".

These amendments were grouped by the Chair for the purpose of discussion, but were voted upon separately.

Following discussions, amendments 128 and 142 were withdrawn.

Amendment 130: Concerns were raised that this clause could prevent the Assembly from making representations about matters affecting Wales.

The Minister stated that there was nothing in the Bill to prevent the Assembly from making such representations. This was confirmed by Hugh Rawlings and Peter Jones.

On this basis, the amendment was withdrawn.

3.6 Amendment 47: proposed by the Welsh Liberal Democrats

Clause 60(1) Page 35 Line 21 – Leave out from ‘any’ and insert ‘the following object’

This amendment was withdrawn prior to the meeting.

3.7 Amendment 48: proposed by the Welsh Liberal Democrats

Clause 60(1)(a) Page 35 Line 21 – Leave out from ‘achieve’ and insert ‘promote or improve the general well-being of Wales’

This amendment was withdrawn prior to the meeting.

3.8 Amendment 119: proposed by the Welsh Liberal Democrats

Clause 60 Page 35

Leave out lines 23-27 and insert 'promote or improve the general well being of Wales'

Following discussion, this amendment was withdrawn.

3.9 Amendment 129: proposed by leuan Wyn Jones and Jocelyn Davies

Clause 61, page 36, line 10, at end insert:

", including the implementation of any of the provisions of the Welsh Language Act 1993."

Reassurance given by the Minister. On this basis, the amendment was withdrawn.

3.10 Amendment 49: proposed by the Welsh Liberal Democrats

Clause 64(1) Page 36 Line 39 – After 'Ministers' insert 'or the Senedd by resolution with a simple majority of those voting'

This amendment was withdrawn prior to the meeting.

3.11 Amendment 131: proposed by leuan Wyn Jones and Jocelyn Davies

Clause 64, page 36, line 39:

Leave out "Welsh Ministers", insert "Assembly".

Amendment 120: proposed by the Welsh Liberal Democrats

Clause 64 Page 36 line 39

After 'Ministers', insert 'or the Assembly by resolution with a simple majority of those voting.'

Amendment 133: proposed by leuan Wyn Jones and Jocelyn Davies

Clause 64, page 36, line 41:

After "Welsh Ministers", insert: "including the pursuance of the provisions of section 33".

Amendment 132: proposed by leuan Wyn Jones and Jocelyn Davies

Clause 64, page 36, line 41:

Leave out "(other than that under section 62)".

Amendment 113: proposed by leuan Wyn Jones and Jocelyn Davies

Clause 64, page 36, line 42 add the following words "and for ascertaining the views of those polled as to whether the Assembly act provisions in Part 4 should come into force"

Amendment 134: proposed by leuan Wyn Jones and Jocelyn Davies

Clause 64, page 37, line 6:

Leave out "Welsh Ministers", insert "Assembly".

These amendments were grouped by the Chair for the purpose of discussion.

The amendments were all withdrawn on the basis of discussions in the previous meeting.

3.12 Amendment 108: proposed by the Welsh Conservative Group

New Clause 74 (renumber subsequent clauses)

"74 Voluntary Sector Partnership Council

(1) The Welsh Ministers must establish and maintain a body to be known as the Voluntary Sector Partnership Council".

Note: We would ask the Assembly's legal team to draft the other subsections of the clause relating to appointments to the Council, its functions and membership. A similar model to the Partnership Council (local government) would be followed.

Amendment 109: proposed by the Welsh Conservative Group

Clause 75 delete and replace with

The Welsh Ministers must establish and maintain a body to be known as the Enterprise Council.

The Enterprise Council is to consist of members appointed by the Welsh Ministers from among

(a) the Welsh Ministers

(b) the Deputy Ministers

(c) representatives of business organisations

Note: If the principle of an Enterprise Council is accepted, we would ask the Assembly's legal team to draft further subsections relating to functions.

Amendment 50: proposed by the Welsh Liberal Democrats

Clause 76(6) Page 41 Line 26 – Leave out from 'lay' and insert 'have it approved by the Senedd by a simple majority of those voting before it will come into effect'

This amendment was withdrawn prior to the meeting.

Amendment 143: proposed by the Welsh Liberal Democrats

Clause 76, page 41, leave out lines 25 and 26 and insert –

"(6) Any Code or any revisions under subsection (5) shall have no effect unless approved by the Assembly".

Amendment 121: proposed by the Welsh Liberal Democrats

Clause 76 Page 41 Line 26

Leave out from 'must' and insert 'have it approved by the Assembly by a simple majority of those voting before it will come into effect'

Amendment 135: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 77, page 41, line 37, at end insert:

"(3) The assessment referred to in (2) (b) must include an assessment of the effectiveness of those arrangements as regards each "group", as defined in Part 1 of the Equality Act 2006.

Amendment 51: proposed by the Welsh Liberal Democrats

Clause 78(7) Page 42 Line 19 – Leave out subsection (b) and insert new subsection:

(b) 'have the copy approved by the Senedd by a simple majority of those voting'

This amendment was withdrawn prior to the meeting.

Amendment 136: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 78, page 41, line 41, at end insert:

"(1A) The sustainable development scheme shall include statements setting out the provisions of any order introduced under subsection 81 (5).

Amendment 137: proposed by leuan Wyn Jones and Jocelyn Davies

Clause 78, page 42, line 15:

Leave out "Welsh Ministers", insert "Assembly".

Amendment 122: proposed by the Welsh Liberal Democrats

Clause 78(7) Page 42

Leave out line 19 and insert

‘(b) have the copy approved by the Assembly by a simply majority of those voting’

Amendment 138: proposed by leuan Wyn Jones and Jocelyn Davies

Clause 78, page 42, line 19:

Leave out "Assembly", insert "Welsh Ministers".

These amendments were grouped by the Chair for the purpose of discussion.

Amendment 108:

Amendment withdrawn on the basis that the Minister will report back to the committee following a meeting with the Voluntary Sector Partnership. [Action]

Amendment 109:

Amendment withdrawn on the basis that the Minister will consider the matter further and report back to the Committee. [Action]

Amendment 143:

Amendment withdrawn

Amendment 121:

Amendment withdrawn

Amendment 135:

Amendment withdrawn on the basis that this is a matter for the Standing Orders committee. [Action]

Amendment 136:

Amendment withdrawn on the basis of an assurance given by the Minister...

Amendment 137:

Amendment not moved.

Amendment 122:

Amendment not moved.

Amendment 138:

Amendment not moved.

3.13 Amendment 123: proposed by the Welsh Liberal Democrats

Clause 117. Based on the Barnett formula – new clause:

‘(1) The Secretary of State shall appoint a panel of not less than four and not more than six experts to recommend the sums of money to be allocated to the Welsh Consolidated Fund.

(2) The Secretary of State shall publish in full the terms of any recommendations made under subsection (1).

(3) The panel shall have regard to –

(a) the principle of fairness

(b) the principle of transparency

(c) the particular needs of Wales

Following discussion, this amendment was voted on as follows:

For: Mike German, Ieuan Wyn Jones, Jocelyn Davies (3)

Against: Jane Hutt, Gwenda Thomas, Ann Jones, Christine Gwyther, Leighton Andrews, Nick Bourne, David Melding (7)

Abstention: (0)

Amendment defeated

3.14 Amendment 144: proposed by the Welsh Liberal Democrats

Clause 124, page 67, line 5, at end insert

"(2A) An annual Budget motion must propose the approval of the amounts of resources requested by the relevant persons mentioned in Section 123 (3) (b) to (d)."

Following discussion, this amendment was withdrawn on the basis that it is a matter for the Standing Orders committee [Action]

3.15 Amendment 139: proposed by Leighton Andrews

Part 6. New Clause:

Assembly Building

() The name of the building housing the Assembly Debating Chamber shall be the Assembly Building

() It shall be the practice for all signs displayed in the Assembly Building to be displayed in both Welsh and English

This amendment was withdrawn prior to the meeting.

3.16 Amendment 145: proposed by the Welsh Liberal Democrats

Schedule 10, page 155, line 16, at end insert

"66A In section 1(1) leave out "a" and insert "an Officer of the National Assembly for Wales, to be known as the". "

Amendment 146: proposed by the Welsh Liberal Democrats

Schedule 10, page 155, line 34, at end insert

"(1A) after subsection (2) (e) insert –

"(ee) the Assembly; " ."

Amendment 147: proposed by the Welsh Liberal Democrats

Schedule 10, page 156, line 10, after "Wales" insert "(or, in the case of a report made in respect of the National Assembly for Wales Commission, the Presiding Officer)".

These amendments were grouped by the Chair for the purpose of discussion.

Amendment 145:

Amendment withdrawn

Amendment 146:

Amendment withdrawn on the basis that the Minister will consider the matter further and report back to the Committee. [Action]

Amendment 147:

Amendment withdrawn on the basis that the Minister will consider the matter further and report back to the Committee. [Action]

3.17 The Committee agreed to postpone the meeting of 15 February 2006 until after recess.

Committee Secretariat