



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

**Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
The Constitutional and Legislative Affairs Committee**

**Dydd Llun, 12 Ionawr 2015
Monday, 12 January 2015**

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir
trawsgripiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In
addition, a transcription of the simultaneous interpretation is included.

**Aelodau'r pwyllgor yn bresennol
Committee members in attendance**

Alun Davies	Llafur Labour
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
David Melding	Y Dirprwy Lywydd a Chadeirydd y Pwyllgor The Deputy Presiding Officer and Committee Chair
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

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

Stephen Boyce	Y Gwasanaeth Ymchwil Research Service
Ruth Hatton	Dirprwy Glerc Deputy Clerk
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser
Joanest Varney-Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 14:31
The meeting began at 14:31

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **David Melding:** Good afternoon, everyone, and welcome to the first meeting of 2015 of the Constitutional and Legislative Affairs Committee, and may I wish everyone a very happy new year? We have full attendance, so no apologies. Can I just make the usual housekeeping announcements? We don't expect a routine fire drill, so if we hear the alarm, please follow the instructions of the ushers. Make sure all mobile devices are switched at least to silent. These proceedings will be conducted in Welsh and English, and, when Welsh is spoken, there is a translation available on channel 1. Channel 0 will amplify proceedings, if you require that.

Offerynnau Nad Ydynt yn Cynnwys Materion i Gyflwyno Adroddiad Arnynt o
dan Reol Sefydlog 21.2 na 21.3
Instruments that Raise No Reporting Issues under Standing Order 21.2 or 21.3

[2] **David Melding:** Item 2: instruments that raise no reporting issues. They are, however, listed. First is the list of negative resolutions. Are we content? Yes, Simon?

[3] **Simon Thomas:** A gaf i jest ofyn cwestiwn am un o'r rhain? Rwy'n sylwi bod un, sef rhif CLA479, yn ymwneud â'r polisi amaethyddol cyffredin—gweinyddu a rheoli a gorfodi a thrawsgydymffurfio—ac roedd **Simon Thomas:** May I just ask a question about one of these? I note that one of these, CLA479, is in relation to the common agricultural policy—administration and control system and enforcement and cross

yna achos llys cyn y Nadolig a oedd yn newid polisi'r Llywodraeth ynglŷn â'r polisi amaethyddol cyffredin. Roeddwn i jest am ofyn a oedd hwnnw wedi effeithio ar y rheoliadau yma o gwbl; hynny yw, a oeddem ni'n ymwybodol bod y Llywodraeth am newid y rheoliadau neu ddod â nhw nôl mewn ffurf wahanol neu beth bynnag. Neu, o bosib, nid ydyn nhw'n cael eu heffeithio o gwbl, yntê.

compliance—and there was a court case before Christmas that changed the Government's policy in relation to the common agricultural policy. I just wanted to ask whether that had affected these regulations at all; that is, whether we were aware that the Government wanted to change the regulations or bring them back in another form or whatever. Or perhaps they are not affected at all.

[4] **David Melding:** I am looking to my legal advisers—or our legal advisers.

[5] **Ms Varney-Jackson:** Nid wyf wedi clywed dim, ond fe wnawn ni ymholiadau a rhoi nodyn i'r pwyllgor.

Ms Varney-Jackson: I have not heard anything, but we will make some enquiries and provide a note to the committee.

[6] **Simon Thomas:** Dyna ni. *Okay*, diolch yn fawr.

Simon Thomas: Okay, thank you very much.

[7] **David Melding:** No doubt, it will generate more activity if this is now invalid, and they'll, sort of, rescind it and come back and restart the process. If there's nothing else on the negative ones, then we have the affirmative resolution instruments that have no reporting issues. Okay.

14:33

Offerynnau sy'n Cynnwys Materion i Gyflwyno Adroddiad Arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3
Instruments that Raise Issues to be Reported to the Assembly under Standing Order 21.2 or 21.3

[8] **David Melding:** Then item 3 is instruments that do raise reporting issues. There is one negative and then the affirmative. We should take them together. Are there any issues?

[9] **Suzy Davies:** Could I ask a question on the second of them, then? Really, it's just the recurring problem about the timetabling for this. I mean, you know, there's nothing new in what I'm about to say, but are we aware of any conversations that the two Governments, actually, might have had with each other regarding making that just a little bit easier?

[10] **David Melding:** I think you put your finger on it nicely. There is a recurring problem of how we handle this, and we are pushed into a procedure that's irregular and, should there be a matter of great public interest, then, you know, that could compromise things. I suspect that we don't think there is anything on this occasion, but we need to get a better way of handling this, and I did receive a telephone call this morning from the business manager, Jane Hutt, and she said they are aware that this has happened and it is a problem with the autumn statement and I think they are quite open to discussing with our officials a better way of handling this, because it's likely to occur again. So, what I think is, if we have some soundings with them, we can perhaps enter into correspondence where we suggest perhaps the best way of handling this, given that we could be in an annual situation. I mean, I'm not concerned on this occasion, but we can't really give advance guarantees about being able to use an accelerated procedure that would remove our chance of identifying an issue that was of overriding importance and that we needed to raise to Assembly Members. So, it is something I think we need to iron out, but I think the Government do seem to accept that there is a bit of

a problem here, procedurally. Alun?

[11] **Alun Davies:** I agree with the points you made. I think it would be difficult to give forward guarantees, but it would be possible to reach an agreement with the Government over process, so that we can at least understand whether we are in that sort of situation, and I certainly agree very much with what you've said about continuing that conversation with the Government. I think this is a structural issue that both the Government and we will find difficult to resolve individually, so it may well be that we need to continue that conversation over the coming months, and then at least reach an agreed position in the coming months.

[12] **Suzy Davies:** Yes, it was certainly better this time than last year—or the year before, I should say—but, you know, it is going to keep happening.

[13] **William Powell:** I think the final paragraph of the Minister's letter shows that he is ready to engage in that dialogue, and so at least the tone is right to continue that.

[14] **David Melding:** Okay, so we'll proceed on that basis and accept the report.

14:36

Adroddiad Monitro Sybsidiaredd Mai i Ragfyr 2014 Subsidiarity Monitoring Report May to December 2014

[15] **David Melding:** Item 4, then, is the subsidiarity monitoring report between May and December 2014. It's there for us to note, but do Members have any comments? Okay, it's certainly been noted.

14:37

Papurau i'w Nodi Papers to Note

[16] **David Melding:** Then, there are some papers to note. The first one is a written statement on amendments to the Infrastructure Bill, in particular relating to off-site carbon abatement measures. Are Members happy to note that? And then there's a written statement on the publication of the report following the independent review of the role and functions of the Children's Commissioner for Wales. We did make a response to this, so are we happy to note that? We may do some work on it, as we earlier identified, in terms of appointment processes for commissioners, and whether there should be a level of consistency in the approach taken.

[17] Finally, there's a paper to note: a letter received from the Minister for Natural Resources in response to an earlier evidence session. I suggest we deal with that when we go through the draft report in private session, because it entirely relates, really, to the issues that we will be considering then.

[18] **Alun Davies:** Can we welcome very much the note that is appended to that letter on the relationship between the three pieces of legislation? I think that is very useful, and it's certainly the first time I've seen that outlined in such a comprehensive way, and I think that is very useful for us.

[19] **David Melding:** Okay. Are Members content with it? I don't think it will be in the report.

14:38

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod**
**Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
Meeting**

[20] **David Melding:** Okay, I now move the relevant Standing Order that we conduct the rest of the meeting in private, unless I see any Member object.

Cynnig:

Motion:

y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).

*Cynigiwyd y cynnig.
Motion moved.*

[21] I don't see any Member objecting, so please switch off the broadcasting equipment and clear the public gallery.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:39.
The public part of the meeting ended at 14:39.*