



**Cynulliad Cenedlaethol Cymru
Y Pwyllgor ar Fesur Llywodraeth Cymru**

**The National Assembly for Wales
The Committee on the Government of Wales Bill**

**Dydd Mawrth, 24 Ionawr 2006
Tuesday, 24 January 2006**

Cynnwys
Contents

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau Introduction, Apologies, Substitutions and Declarations of Interest.....	3
Blaenraglen Waith Forward Work Programme.....	3

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi 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: Dafydd Elis-Thomas (Cadeirydd), Leighton Andrews, Nick Bourne, Jocelyn Davies, Michael German, Jane Hutt, Ann Jones, Ieuan Wyn Jones, Val Lloyd, David Melding, Gwenda Thomas.

Swyddogion yn bresennol: Peter Jones, Cwnsel i Wasanaeth Seneddol y Cynulliad; Paul Silk, Clerc y Cynulliad.

Gwasanaeth Pwyllgor: Siân Wilkins, Clerc; Sarah Beasley, Dirprwy Glerc.

Assembly Members in attendance: Dafydd Elis-Thomas (Chair), Leighton Andrews, Nick Bourne, Jocelyn Davies, Michael German, Jane Hutt, Ann Jones, Ieuan Wyn Jones, Val Lloyd, David Melding, Gwenda Thomas.

Officials in attendance: Peter Jones, Counsel to the Assembly Parliamentary Service; Paul Silk, Clerk to the Assembly.

Committee Service: Siân Wilkins, Clerk; Sarah Beasley, Deputy Clerk.

*Dechreuodd y cyfarfod am 5.37 p.m.
The meeting began at 5.37 p.m.*

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

[1] **Y Llywydd:** Agoraf y cyfarfod a chroesawu pawb ohonoch i gyfarfod cyntaf y Pwyllgor ar Fesur Llywodraeth Cymru. Nid wyf wedi derbyn unrhyw ymddiheuriadau. **The Presiding Officer:** I open the meeting and welcome you all to the first meeting of the Committee on the Government of Wales Bill. I have not received any apologies.

[2] Fel y gwyddoch, ni chafwyd pleidlais eto ar gynnig i newid y Rheolau Sefydlog ar gyfer y pwyllgor. Felly, y newyddion da yw bod gennyf bleidlais; y newyddion arall yw nad wyf yn bwriadu ei defnyddio. Mae hyn hefyd yn effeithio ar allu pobl i ddirprwyo ac i gwrdd yn ystod toriad y Cynulliad—ni fydd hynny'n berthnasol, ar hyn o bryd. Fodd bynnag, deallaf y bydd newidiadau yn Rheolau Sefydlog y pwyllgor wedi cael eu cadarnhau erbyn yr wythnos nesaf. Edrychaf ar y Trefnydd, sy'n cytuno. As you know, there has not yet been a vote on proposals to change Standing Orders for the committee. Therefore, the good news is that I have a vote; the other news is that I do not intend to use it. This will also impact upon people's ability to delegate and to meet during recess—that is not relevant at present. However, I understand that changes to Standing Orders for the committee will have been approved by next week. I am looking at the Business Minister, who is nodding her head.

[3] **Jane Hutt:** With the will of the Assembly, Presiding Officer.

[4] **The Presiding Officer:** Of course, Minister; everything is with the will of the Assembly.

5.38 p.m.

Blaenraglen Waith Forward Work Programme

[5] **Y Llywydd:** Byddwch wedi cael copi **The Presiding Officer:** You will have

o drefn ystyried cymalau Tŷ'r Cyffredin, yn ogystal â chopi papur ohonynt. Ynglŷn â'r cyfarfod ddydd Iau, byddwn yn cyfarfod am 9 a.m., gan ei bod yn bwysig ein bod yn glynu at yr amlen ddarlledu arferol, yn hytrach na chyfarfod am 8.30 a.m..

received a copy of the order in which clauses will be considered in Westminster, as well as a hard copy. With regard to Thursday's meeting, we will be meeting at 9 a.m., as it is important that we stick to the usual broadcast envelope, rather than meet at 8.30 a.m..

[6] Un peth arall ynglŷn â'r pwyllgor yma a— One other thing about this committee and—

[7] **Ann Jones:** Sorry, Chair; on the meeting times, is everyone happy with Tuesday evenings and Thursday mornings? I was not sure that we had actually set that pattern.

[8] **The Presiding Officer:** We have not agreed them yet. We are discussing the context.

[9] **Ann Jones:** Okay, thank you.

[10] **Y Llywydd:** Ynglŷn â'r cyfarfod ddydd Iau a'r cyfarfod hwn, nid ydym mewn sefyllfa i dderbyn y trefniadau arferol ar gyfer argymhellion ar gyfer gwelliannau, ond efallai y byddai'n briodol i ni, ar ôl y ddau gyfarfod hyn, ganiatáu deuddydd ar gyfer cyflwyno gwelliannau.

The Presiding Officer: Regarding the meeting on Thursday and this meeting, we are not in a position to adopt the usual procedures for making recommendations for amendments, but it may be appropriate for us, following the first two meetings, to allow two days for the tabling of amendments.

5.40 p.m.

[11] **Ieuan Wyn Jones:** Hoffwn wneud pwynt ar hynny. Sylwais eich bod wedi nodi y dylid cael dau ddiwrnod clir ar gyfer cyflwyno gwelliannau. Byddai'n help inni gael gwybod a oes unrhyw reswm gweinyddol pam fod angen hynny a pham na ellid, er enghraifft, cael dim ond un diwrnod clir ar gyfer cyflwyno gwelliannau.

Ieuan Wyn Jones: I have a point to raise on that. I note that you suggested that there should be two days' notice for the tabling of amendments. It would be helpful for us to be told if there is any administrative reason for that and why we could not, for instance, have just one clear day for the tabling of amendments.

[12] **Y Llywydd:** A oes sylwadau gan y swyddogion ar hynny?

The Presiding Officer: Do the officials have any comments about that?

[13] **Ms Wilkins:** It is up to Members.

[14] **Y Llywydd:** Penderfyniad i chi fel Aelodau yw hynny; os ydych yn fodlon gweithredu ar ddiwrnod o rybudd, mae hynny'n bosibl. Byddwn yn cadw hynny mewn cof, felly.

The Presiding Officer: That is up to you as Members; if you are content to work with one day's notice, that is possible. We will, therefore, bear that in mind.

[15] A oes sylwadau ar y papur, yn arbennig atodiad A, ac yna atodiad B? Atodiad A yw'r amserlen bosibl.

Do you have any comments on the paper, particularly annex A, and then annex B? Annex A deals with the possible timetable.

[16] Ann, you wished to raise some points regarding annex A, about the timing of meetings.

[17] **Ann Jones:** I wondered whether Tuesday evenings and Thursday mornings would be

best for everyone and whether we ought to set the pattern of meetings now, so that we are all aware of what it is and can try to block times off in diaries, or whether people would be looking at Mondays. We can then put when we are expected to be here in our diaries.

[18] **Michael German:** Thursday mornings, as you noted, rule out four members of this committee on two occasions. It means that four substitutes will need to be found, which is a slightly more complex arrangement. Hitting one committee meeting with one Member is not so bad, but when four Members are affected, we need to look for an alternative time.

[19] **The Presiding Officer:** Do you have a proposal for an alternative time?

[20] **Michael German:** When there is an available period on the same day—we may not be able to follow a pattern, but the Thursday afternoon of that particular week is clear, and I do not know whether there is a possibility of meeting on a Tuesday morning. I do not know, but there ought to be an adjustment where four are affected, which is basically for the Local Government and Public Services Committee and the Economic Development and Transport Committee. It is the EDT committee, is it not? Yes, it is.

[21] **Nick Bourne:** Just looking at this—I had missed that we were meeting on Thursday, when I certainly have a problem, but that is immaterial to this—can we not meet on Tuesday and Wednesday after Plenary, which seem, generally, to be free on the schedule that is in front of me?

[22] **The Presiding Officer:** The schedule is illustrative, we will take a decision on availability when we have considered the schedule and heard Members' views.

[23] **Leighton Andrews:** I am affected by the EDT clash, for example, this Thursday, and I would prefer it if we were to consult in advance on when the meetings were going to be held. The difficulty is this: it is fine to suggest both Tuesday and Wednesday evenings, but those of us who have constituencies within driving distances of Cardiff bay may well have constituency engagements on those evenings. I am clear tonight, but I would not be clear next Tuesday, for example, and that may be a common pattern.

[24] **Val Lloyd:** I agree with the difficulties that have already been raised, but, also, in the short-term—this week and, possibly, next week—I would consider that it is going to be even more difficult when we may already have long-standing engagements in our diaries. That applies to many of us, not just to me.

[25] **Jane Hutt:** An issue has emerged about this particular Thursday because of EDT and other commitments. It is difficult—certainly for the clerk—to see when we are all going to be available. We will be able to have substitutes from next week, but there may be a particular issue about this Thursday that we may have to resolve today, because I not sure whether we would all be able to get substitutes for this Thursday at such short notice. *[Interruption.]* Well, we are not, because we have not got it through Standing Orders. So, I think that we may have to agree today whether we should have the meeting on Thursday at 9 a.m..

[26] **Ann Jones:** There is a problem with this Thursday because of the EDT meeting, but Mike has also highlighted the problem with the Local Government and Public Services Committee, on which there are four Members. But, it is not going to be just this Thursday, because EDT and LGPS will meet on alternate Thursdays on a fortnightly cycle. So, we are always going to be looking for four substitutes on a Thursday morning.

[27] **Ieuan Wyn Jones:** Nid oes modd **Ieuan Wyn Jones:** We will not be able to cael amseroedd a fydd yn sicrhau y gall pawb find times that allow everyone to be here on fod yma ar bob achlysur. Fodd bynnag, yn every occasion. However, I would certainly

sicr, hoffwn ystyried y posibilrwydd o gael cyfarfodydd ar ôl Cyfarfodydd Llawn ar nos Fawrth a nos Fercher. Gwn fod gan bobl ddigwyddiadau gyda'r nos, ond nid yw hynny'n effeithio ar bawb gan nad yw hynny'n codi i'r rhai ohonom sydd ag etholaethau ymhell o Gaerdydd. O ystyried yr amgylchiadau sy'n golygu bod gwrthdaro, y ffordd hawsaf i bawb fyddai i ni gynnal y cyfarfodydd ar ôl Cyfarfodydd Llawn ar nos Fawrth a nos Fercher. Wedyn, byddem o leiaf yn gwybod beth sy'n digwydd ac nad oes gan Aelodau, ar y cyfan, bwyllgorau i fynd iddynt.

want to consider the possibility of holding meetings following Plenary on Tuesday and Wednesday evenings. I know that people have evening engagements, but that does not impact on everyone because it does not arise for those of us who have constituencies that are far from Cardiff. In considering the situations that lead to clashes, the easiest way for everyone is that we hold meetings after Plenary on Tuesday and Wednesday evenings. At least we will then know what is happening and that Members, on the whole, do not have committee meetings to attend.

[28] **David Melding:** I agree with that. I think that we need a certain regularity in the schedule so that we know when we are going to meet. This is very important work, and it will require some of us to clear some diary items, if we can. Obviously, there are some things that it will not be possible to move, but if we pick and mix on a Thursday and duck and dive, we could make a rod for our own backs. But, if we could try to commit to meeting on Tuesday and Wednesday evenings, that will probably give us the most stable structure.

[29] **The Presiding Officer:** My understanding, as regards Thursday 26 January, is that there was agreement outside committee that that meeting could be scheduled then, and that that is why that happened. So, I would like an indication whether you are prepared to proceed with Thursday for this week.

[30] **Ann Jones:** I cannot attend then.

[31] **Leighton Andrews:** Nor can I.

[32] **The Presiding Officer:** I am not asking whether individuals can attend; I am asking whether there is a majority here to continue with what I understand was agreed outside committee.

[33] **Nick Bourne:** With respect, even if a minority cannot make it, we cannot appoint substitutes. I was not aware that we had agreed to this.

[34] **Michael German:** I had not agreed.

[35] **Nick Bourne:** Well, I certainly had not.

[36] **Leighton Andrews:** I had agreed, so I know that there was a discussion.

[37] **The Presiding Officer:** Let me try this again. Is there a view that the meeting scheduled for Thursday 26 January should not be held? That means that we will lose a meeting, unless people are prepared to meet tomorrow. I see that a majority is prepared to meet tomorrow. In that case, we will meet tomorrow rather than Thursday for this week. Can we get on to the following weeks?

[38] **Jocelyn Davies:** Before you move on, there seems to be interference on the translation equipment. I do not know whether someone in the room has a mobile telephone or some electronic equipment that is switched on. Perhaps people could check.

[39] **The Presiding Officer:** It is a matter of order if there is interference.

[40] **Jocelyn Davies:** I will let you know if it occurs again.

[41] **The Presiding Officer:** So, we are resolved to meet tomorrow. Can we look at the schedule for the following week? Monday afternoon was originally proposed for this week. I do not know whether Monday afternoon is easier for people than Tuesdays or Wednesdays.

5.50 p.m.

[42] Subject to the user acceptance testing of the equipment in the new building, which is happening on Thursday and Friday of this week, there may be an opportunity for Members to participate in Chamber testing on Tuesday and Wednesday next week at that time. However, I do not know how long that will last and whether we could meet after that, or whether that would be an imposition. That would, hopefully, only be for this coming week. Other Members will be involved in the Chamber testing; I do not know whether we will all be required to be there for the duration. However, could we meet at 6.30 p.m. rather than 5.30 p.m. next Tuesday and Wednesday? Is that possible?

[43] **Jane Hutt:** I think that Monday afternoon would suit most of the Members here, but it is up to other colleagues.

[44] **The Presiding Officer:** Okay, let me put Monday afternoon down as an alternative. Are there any issues regarding Monday afternoon?

[45] **Leighton Andrews:** Monday is fine.

[46] **Ann Jones:** Yes, Monday would be fine.

[47] **The Presiding Officer:** It seems that Monday afternoon would be preferred over Tuesday next week. Can we then do Monday and Wednesday? Wednesday's meeting may have to start a little later depending on whether testing is still being done. At the moment, we will put it at 5.30 p.m. and if there is any reason to delay it, we can do so.

[48] **Michael German:** Will Monday's meeting be at 2 p.m.?

[49] **Ann Jones:** I think that 4 p.m. would be better.

[50] **The Presiding Officer:** A 4 p.m. start would be preferred, would it? That is, late afternoon or early evening would be preferred on Monday, would it?

[51] **Ann Jones:** Yes, late afternoon on Monday.

[52] **The Presiding Officer:** Is that agreed? There is a working majority for Monday at 4 p.m. and Wednesday, at 5.30 p.m. subject to delay. For the following week, depending on the number of meetings that we need, shall we schedule the meetings for the same time: Monday and Wednesday of that week?

[53] **Ieuan Wyn Jones:** Dywedais mewn ateb i gwestiwn y byddwn yn dymuno, os yn bosibl, i'r cyfarfodydd fod o fewn oriau'r Cynulliad fel ag y maent ar hyn o bryd. Mae dydd Llun yn ddiwrnod mwy anodd.

Ieuan Wyn Jones: I said, in response to a question, that I would prefer, if possible, for the meetings to be held within the hours of the Assembly as they currently stand. Monday is a more difficult day.

[54] **Y Llywydd:** Iawn, trefnwn y cyfarfod am ddydd Mawrth yr wythnos

The Presiding Officer: Okay, we will arrange the meeting for Tuesday the

wedyn, os nad oes hyfforddiant.

following week provided that there is not any training.

[55] **Jane Hutt:** That would be 7 February. We have a Cabinet meeting on Monday, so that would suit.

[56] **Leighton Andrews:** The Committee on Rail Infrastructure and Improved Passenger Services will meet on 7 February.

[57] **The Presiding Officer:** At 5.30 p.m.?

[58] **Leighton Andrews:** I think so.

[59] **The Presiding Officer:** Is everyone else happy with 7 February at 5.30 p.m.? I see that there is a working majority for that date and time.

[60] **Gwenda Thomas:** Is that a Monday?

[61] **The Presiding Officer:** Not in that week.

[62] **Gwenda Thomas:** It is Tuesday 7 February?

[63] **The Presiding Officer:** Tuesday 7 February and Monday 30 January. I am sorry that we have taken time during the meeting to arrange dates; I would have hoped that these things could have been done outside the meeting.

[64] Yn atodiad B, gwelwch grŵp o gymalau i'w hystyried. Tra'n bod yn edrych ar hyn, efallai y byddai'n briodol imi wneud un neu ddau o osodiadau am sut yr wyf yn bwriadu trin y cymalau hyn fel Cadeirydd. Nid pwyllgor sefydlog Senedd San Steffan yw hwn. Felly, ni fyddwn yn ystyried cymalau gyda gwelliannau linell wrth linell fel ag y mae Pwyllgor y Tŷ Cyfan yn ei wneud ar hyn o bryd. Byddwn, sut bynnag, yn dilyn rhywbeth tebyg i'r hyn a ddigwyddodd o dan Reol Sefydlog Rhif 31 gyda'r Mesur diweddar ar lywodraeth leol, ac yn ystyried argymhellion ar gyfer gwelliannau. Bydd y rheini wedyn yn ymddangos ar ffurf adroddiad gan y pwyllgor hwn, ond byddwn wedi cytuno amynt ym mhob cyfarfod.

In annex B, you will see a group of clauses to be considered. While we look at this, it may be appropriate for me to make one or two statements on how I intend to deal with these clauses as Chair. This is not a Westminster standing committee. Therefore, we will not consider clauses with line by line amendments as is being done at the moment in the Committee of the Whole House. We will, however, follow something similar to what happened under Standing Order No. 31 with regard to the recent Bill on local government, and consider recommendations for amendments. They will then appear in the form of a report by this committee, but we will have agreed them at each meeting.

[65] Gan bod y cyfarfodydd hyn yn gyhoeddus, bydd hynny, yn naturiol, yn wybodaeth gyhoeddus, ac ni welaf wrthwynebiad i hynny—bydd ar gael beth bynnag, ond pe bai rhywun yn San Steffan, dyweder, yn dymuno sicrhau y caiff wybodaeth cyn gynted ag sy'n bosibl, gwnawn drefniadau, cyn gynted ag y mae cofnodion y cyfarfod hwn ar gael, ein bod yn gallu eu cyfleu iddo, naill ai ar ffurf

As these meetings will be public, that will, naturally, be public information, and I do not foresee any opposition to that—it will be available in any case, but if someone in Westminster, say, wanted to ensure that he or she got that information at soon as possible, we will make arrangements so that, as soon as the minutes of that meeting are available, they will be relayed to that person, either in the form of a decision made during the meeting

penderfyniad a wnaed yn y cyfarfod neu ar ffurf Cofnod llawn pan fo'n barod. Cymeraf na fydd gwrthwynebiad i hynny, gan y bydd yn beth cyhoeddus beth bynnag.

[66] Felly, bydd argymhellion ar gyfer gwelliannau yn cael eu paratoi ar gyfer pob cyfarfod ac eithrio'r cyfarfod yfory, lle na fyddant, mae'n amlwg, ar gael yn ysgrifenedig, er bod modd eu hystyried ar lafar. Nid yw'n golygu na fyddwn am daro consensws mewn unrhyw drafodaeth lafar yn ystod y cyfarfod. Felly, byddwn yn gweithredu fel unrhyw bwyllgor arall yn y Cynulliad. Os gallwn ni gytuno ar gymalau, yn naturiol, byddwn yn gwneud hynny. Pan fydd gwahaniaeth barn am y cymalau, byddwn yn adlewyrchu hynny yn ein hadroddiad.

[67] A oes sylwadau?

[68] **Ieuan Wyn Jones:** Oes. Yn ôl y drefn yr ydych yn ei hargymell i drafod y Mesur, sylwaf ein bod yn dechrau gyda chymalau 31 hyd 58 ac ati, ac wedyn yn symud yn nes at ddiwedd y broses i drafod cymalau 1 a 2. Wedyn, bydd trafodaeth ar gymal 29. Byddai'n well gennyf pe baem yn cadw at drefn y Mesur fel ag y mae wedi'i gosod. Hynny yw, yn hytrach nag ystyried cymalau allan o drefn, ein bod yn dilyn trefn y Mesur, ac nid eu trafod fesul bloc o gymalau ychwaith, ond eu trafod fesul Rhan. Er enghraifft, byddwn yn delio â Rhan 1 ac wedyn yn penderfynu yn y pwyllgor faint o Ran 1 y gallwn ei drafod mewn cyfarfod awr neu ddwy awr, ac yn symud ymlaen felly. Ni allaf weld cyfiawnhad dros drafod materion mewn trefn wahanol i'r drefn naturiol.

[69] **Y Llywydd:** Ni cheisiaf wneud datganiad o'r Gadair, heblaw dweud bod hynny'n gwbl arferol ym mhob pwyllgor yr wyf wedi ymwneud ag ef. A oes sylw arall?

[70] **Nick Bourne:** In support of what Ieuan Wyn Jones has just said, from my perspective—others may feel differently—it would be easier to follow through the Bill Part by Part, taking each Part as it arises rather than this sort of pick-and-mix approach. I agree with what Ieuan has said.

[71] **The Presiding Officer:** I have tabled, for your benefit, the equally pick-and-mix approach taken as normal in Westminster.

or as part of the full Record when it is ready. I take it that that will not be opposed, given that it will be public in any case.

So, recommendations for amendments will be prepared for each meeting except tomorrow's meeting, where they will not appear, obviously, in written form, although it is possible to consider them orally. That does not mean that we will not want to reach a consensus in any oral discussions during the meeting. Therefore, we will operate as any other Assembly committee. If we can reach agreement on the clauses, naturally, we will do so. Where there is a difference of opinion on the clauses, we will reflect that in our report.

Are there any comments?

Ieuan Wyn Jones: Yes. I noticed from the order that you recommend to discuss the Bill that we are starting with clauses 31 to 58 and so on, and then, nearer to the end of the process, we move on to deal with clauses 1 and 2. Then there is discussion on clause 29. I would prefer it if we were to keep to the order of the Bill as it is set down. That is, instead of considering clauses out of order, we follow the order of the Bill, and do not deal with blocks of clauses either, but deal with each Part in turn. For example, we would deal with Part 1 and decide in committee how much of Part 1 we could discuss in a one or two-hour meeting, and move forward in that way. I cannot see any justification for discussing matters in any order other than their natural order.

The Presiding Officer: I will not try to make a statement from the Chair, other than to say that that is the normal practice in every other committee that I have been involved in. Are there any other comments?

[72] **Nick Bourne:** I did not think that we had to follow Westminster.

[73] **Michael German:** It is not quite a pick-and-mix approach. What Westminster has done is to select numbers 92 to 115, and take them out of the middle and put them at the front. Apart from that, everything else moves sequentially through to the end of 165. Westminster may have a particular reason for moving the chunk of clauses, 92 to 115, to the front, perhaps for some reason to do with the people whom they are talking to—I do not know. However, it seems perfectly logical, and I support Ieuan in this, to work through from the beginning and see how far we can get, because we may be able to speed through some areas, but not others. I do not think that there is any sense in following it in a different direction when the Bill itself is supposed to have, and has, some logic to the way that it has been laid down.

6.00 p.m.

[74] **The Presiding Officer:** I am not going to defend the reasons why I made the selection in public.

[75] **Gwenda Thomas:** I would like to be clear about what we are proposing. We are proposing making recommendations for amendments to the proposals in the Bill, so it is very likely that there will not be a political consensus on many issues in this committee. Therefore, we need to be very clear at this stage about the voting procedures. I assume that the same voting procedure will apply to this committee as applies to Plenary meetings and other committees in that you will have your own vote and the casting vote.

[76] **The Presiding Officer:** I do not propose to use a vote, except for a casting vote.

[77] **Gwenda Thomas:** Thank you. I think that it is right that we are clear about that, given that this is a public committee. On the proposal to take the Bill section by section, I think that, at this stage, it is wise to link the Schedules to those sections. We will need access to the Schedules in order to understand the full text of the Bill, so we need to prepare those at the beginning.

[78] **The Presiding Officer:** So, the view is that we should take the literal approach to the structure of this Bill rather than—

[79] **Jocelyn Davies:** The logical approach.

[80] **The Presiding Officer:** No, the logic of the order that was proposed to you was related to what the Chair regarded as less controversial and more controversial. It did have a logic to it, the intention being to get, if we could, the agreement of the committee in a well-despatched manner to most of the issues, and to have the more controversial issues, in particular those with which I have publicly expressed concern, although I would not do so as the Chair, come right at the end. That was the reason for it.

[81] **Leighton Andrews:** I support your original proposal. This is a parliamentary Bill and it will go through both Houses of Parliament and amendments will be made there. What we make here will be observations or recommendations that we will presumably want to feed in to the Bill and we will want to do that at appropriate stages but, clearly, there are battle lines that are well known and well drawn, and which have been argued through and have been the subject of debate in the run-up to the general election, and the general election has concluded the argument on those matters. Clearly, Bills are subject to amendment subsequently, but, in a broad sense, it seems to me that if we are going to have a meaningful role in this process, it would be more sensible to focus on areas that are probably less controversial and also focus on things that will practically affect the running of this institution after 2007, which is when

the new arrangements in the Bill will apply. I would have thought that that was a more sensible use of our time, otherwise we could easily find ourselves simply rehearsing debates that we would otherwise be having, and have frequently had, in Plenary. I would not want to find myself in the position of making what might be regarded as invidious or hurtful remarks about Assembly Members, as I am sure that others would not. All I am saying here is that if we are going to have a practical effect, your original proposal was eminently sensible.

[82] **David Melding:** I flatly take the opposite view. I think that we ought to identify some of the more important political aspects that will probably require lengthy discussion and, frankly, any work plan that allows the more contentious items to be left to the end risks our running out of time. It would be strange if we were to then rush through some of the more contentious items that the public would probably expect to make up the bulk of our work. I notice that Parliament is taking what it thinks is the most contentious proposals, the legislative proposals in Part 4, is discussing those first and is then moving sequentially through the Bill. We could consider perhaps taking Part 3 first, which is Assembly measures, which, it seems to me, is the most significant thing as far as the working of the legislature is concerned after 2007. While there probably will not be agreement on all things, there would probably be a substantial amount of agreement on much of it about how that could perhaps be improved, and then worked through sequentially, and, hopefully, allowing us to do as thorough a job as we can on the whole Bill.

[83] **Leighton Andrews:** That makes me think that perhaps we should also discuss how we are going to proceed in terms of the length of time that people will speak. I am sure that many people around this table are capable of speaking at considerable length on several of the items, particularly those that are politically controversial. Given that we have a limited amount of time, would it be sensible to have some clarity on that and a clear timetable about what you are expecting to get through in each meeting, beyond what you said in terms of blocks?

[84] **The Presiding Officer:** It certainly was not my intention as Chair to allow filibustering on the one hand, nor was it my intention to allow a situation where we would not get to issues of substantial concern later. I took an approach that I thought was less controversial, which is to take the less controversial matters first. Clearly, that approach has not met with universal support; I do not know why that was the case, because this was not explained to me when the order was being discussed out of committee. I do not like to be in a position where I am defending out-of-committee discussions in committee as Chair; it is not a good use of our time but, clearly, we are there. So, it seems to me that there is no agreement as to the present proposed annex B on our way of operating. I am loath to adjourn the committee in order to try to come back with another order that might be more agreeable, but we have heard a view that we should start with part 3, as was done in Westminster. I am not averse to doing that, if there is support for that. Is there an indication for the view that we should start with part 3, and then, having considered as much as we can of part 3 this evening, within the next hour or so, we would come back to a new order of consideration at the beginning of our next meeting, having tried to reach agreement on that in the meantime outside committee?

[85] **David Melding:** Just to clarify, it is not Part 4, 'Acts of the Assembly'; what I suggested was 'Assembly Measures', in Part 3.

[86] **The Presiding Officer:** That is clause 92.

[87] **Ieuan Wyn Jones:** Rhaid i mi **Ieuan Wyn Jones:** I must admit, Chair, that gyfaddef, Gadeirydd, fod pethau'n cael eu things are being said here that I was not dweud yma nad oeddwn yn ymwybodol aware of. No-one has asked me for my ohonynt. Nid oes neb wedi gofyn i mi am agreement to the way in which you have

gytuno i'r drefn yr ydych wedi argymhell ystyried y cymalau ynnddi. Y tro cyntaf i mi ei gweld oedd pan dderbyniais y papurau. Yr oeddwn wedi deall mai heddiw oedd ein cyfle cyntaf i roi ein safbwynt ar hyn. Nid oes neb wedi gofyn i mi, 'Beth ydych chi'n ei feddwl o'r drefn hon?'. Cymerais yn ganiataol, oherwydd bod y papur hwn ger ein bron, mai cyfarfod y pwyllgor fyddai'r lle cywir i wneud y sylwadau hyn.

[88] Y pwynt arall yr wyf am ei wneud yw fy mod yn teimlo'n anhapus iawn gydag unrhyw drefn sy'n mynd â ni tu allan i drefn arferol y Mesur, gan na chredaf y byddai rhoi popeth sy'n ddadleuol ar y diwedd yn defnyddio'n hamser yn y ffordd orau. Byddwn yn llawer hapusach pe baem yn trafod y cymalau dadleuol pan godant, yn hytrach na'u trafod i gyd gyda'i gilydd. Credaf y byddai cytundeb eithaf bras ar y mwyafrif llethol o'r cymalau. O edrych arnynt, credaf mai tua hanner dwsin fydd yn destun dadlau gwleidyddol, ac nid wyf yn credu ei bod yn amhriodol bod y drafodaeth honno'n cael ei rhannu rhwng y gwahanol sesiynau.

[89] **Y Llywydd:** Y pwyllgor, wrth gwrs, yw'r lle priodol i drafod y pethau hyn—dyna pam yr ydym yn eu trafod. Fodd bynnag, credaf y byddai'n well defnydd o amser y pwyllgor pe gellid cael consensws. Yr oeddwn dan yr argraff fod y drefn gerbron yn un y gellid cytuno arni, neu ni fyddwn wedi'i hawgrymu. Yn amlwg, nid oes cytuniad, felly ceisiaf ddefnyddio rhagor o amser y pwyllgor i drafod ein dull o weithredu.

recommended considering the clauses. The first time that I had sight of it was when I received the papers. It was my understanding that today would be our first opportunity to express a view on this. No-one has asked me, 'What do you think of this order?' I had assumed, because this paper is before us, that the committee would be the correct place to make these comments.

The other point that I want to make is that I would feel very uncomfortable with any order that takes us outside the natural order of the Bill, because putting all the controversial issues at the end is not the best use of our time. I would be far happier if we were to discuss the more controversial clauses as they arise, rather than all together. I think that there would be relatively broad agreement on the vast majority of clauses. Having looked at them, I think that around half a dozen will lead to political argument, and I do not think that it is inappropriate that that discussion is divided between the various sessions.

The Presiding Officer: The committee is, of course, the appropriate place to discuss these points—that is why we are doing that. However, I believe that it would be a better use of committee time if we could reach consensus. I had assumed that the approach before us was one that we could have agreed upon, otherwise I would not have suggested it. Clearly, there is no consensus, therefore I will attempt to use more committee time to discuss our approach.

6.10 p.m.

[90] **Jane Hutt:** There is a sense that this committee has to get used to its job, and, for that reason, it would be good to agree to your proposal, because we should be able to do the less controversial issues—on which we can achieve consensus—quite speedily and get on with the bulk of the issues. As you say, David, we want to get on to Assembly measures, electoral issues, clause 29 and so on, as quickly as possible. People want to get on. However, would it not be better for us to find our feet with the less controversial issues, which is the way that you proposed?

[91] None of us saw the proposed approach before it came to us but, having considered it, there is a case for saying, 'Let us find our feet and take this approach'. It is obviously up to us to find our feet in terms of being a committee in which we can reach consensus, and to get on with the more difficult issues once we have had one or two sessions. That should not mean, Ieuan, that we do not get on with those more challenging issues once we have established a

way of working.

[92] What David has suggested might be a compromise—that we go straight to the measures, which is Part 3, and then return to work our way through it.

[93] **Nick Bourne:** First, I was unaware, in coming to this committee, that anything had been decided, or that we had signed up to anything before we got here. I do not know from where that idea has arisen, but I had not—and I am not sure that others had—agreed to a particular programme of work or schedule of dates. Leaving that on one side, I feel strongly that there is a job of work to be done on all the clauses in the Bill, and simply because we may have political agreement on some of them does not mean that we are not going to spend time making what I think will be constructive recommendations to Westminster. I cannot see the case for doing anything other than following the Bill in a logical sequence. I really do not understand why we should postpone all the difficult issues until the end and take all the easy ones first. It does not seem to me that it should be like that; we should be doing it in the order in which they appear, and some clauses will be easy and some will be difficult.

[94] **The Presiding Officer:** I do not want to prolong this discussion but, for timetabling purposes—and this is why I proposed this order—it is easier to timetable the amount of time that we will require for serious debate about issues of principle where there is serious disagreement if we have already used the time of the committee effectively to deal with matters that are not generally regarded as controversial. That is why this order was produced. I had understood that people were aware that that was my intention; clearly, there is a difference of opinion as to how the committee will operate. All that I will say is that I hope we do not end up in a position where we run out of time or we have to meet late into March, when the potential for this committee to influence people elsewhere will be reduced. So, is there consensus that we start with Part 3? That seems to be our view.

[95] **Ieuan Wyn Jones:** Just to be clear, I agree to that proposal provided that Part 3 is followed by a logical, sequential debate. However, if we still have not agreed on how to handle the rest of the Bill, then I am not happy.

[96] **The Presiding Officer:** I gave an undertaking to return with another order for consideration based on this discussion, but I do not see a clause-by-clause, numerical approach as helpful either. I have never sat on a Bill committee that progressed numerically through it, and, when that happened, it was always unsuccessful, because the end was never reached.

[97] **Michael German:** It strikes me that the sensible compromise would be to take the whole thing in the order that the House of Commons is taking it, which is basically Part 3 and Part 4 first, and then the rest in the order in which it appears. That is what we have on the paper here. It does not satisfy everyone, but at least we know where we are going.

[98] **The Presiding Officer:** This is why this paper was tabled, so that it was available for consideration as well as the other order that I offered.

[99] **Nick Bourne:** I would be happy to support Mike's suggestion.

[100] **The Presiding Officer:** Is there agreement on that? I see that there is.

[101] Symudwn yn awr i Ran 3, cymal 92. We now move to Part 3, clause 92. Are there any comments on this clause?
A oes unrhyw sylwadau ar y cymal hwn?

[102] **Jocelyn Davies:** I wish to make a point. As I was not told that we would start to discuss the text of the Bill today, we have not had an opportunity to table amendments.

[103] **The Presiding Officer:** I referred to this earlier in our discussions when I indicated that, because of the nature of the timing, contributions made in this debate would be noted, and, if there was verbal agreement, they would appear in the form of recommendations for amendments to those clauses that we had discussed in this meeting and in the next meeting, when there will not have been sufficient time—no, we cannot really do that tomorrow either because we have now agreed to a day’s tabling time for amendments. So, what I intend to do for the purposes of today and tomorrow is that if there is oral agreement in the discussion, we will rely on the committee service, as we usually do, to produce a form of recommended amendment. If there are difficult decisions about the wording of amendments, we can return to them.

[104] **Jocelyn Davies:** May I be excused so that I can get a copy of the Bill, which I did not bring with me because I did not know that we would be discussing it?

[105] **Nick Bourne:** To be fair, although it does not say on the agenda that we were going to discuss it today, it rather gives the view that we were.

[106] **Michael German:** It said in my first note that this would be a short meeting.

[107] **Jocelyn Davies:** I think that some people were expecting to have left by now.

[108] **The Presiding Officer:** Let me take a view, then: if there are Members who thought that this was a meeting only to consider the timetable, I am sorry if you were not informed of the possibility that we might do some work on the clauses.

[109] **Jocelyn Davies:** The agenda says that we would be considering the forward work programme.

[110] **The Presiding Officer:** Yes, but I was proposing that, once we had agreed that, we should start some work on the clauses. Sorry if that was not made clear. If Members prefer to adjourn after 35 minutes, that is in your hands.

[111] **Nick Bourne:** I can share a copy, if it is going to be disruptive.

[112] **Jocelyn Davies:** I am going to get my copy of the Bill.

[113] **Michael German:** I need to get a copy of the amendments that I need to propose.

[114] **The Presiding Officer:** I was under the assumption that each of these committees would sit for a minimum of two hours in order to get through the work that we have to do.

[115] **Nick Bourne:** It says that we will meet for an hour on the agenda.

[116] **Ann Jones:** It says that we will discuss only the forward work programme.

[117] **Michael German:** I think that we are in danger here, Chair, of taking what actually might not be the most sensible route. When you have an agenda, and if we were moving on to item 3 on that agenda, if there were such an item, I would have come prepared with the amendments to the Bill, which I have upstairs and which I am happy to fetch.

[118] **The Presiding Officer:** I apologise if I am not sufficiently versed in the Assembly’s subject committee procedures to know that we place items on an agenda when the agenda is the text of a Bill. I am sorry if I did not make that clear. My intention was certainly to start work on the Bill today, and I am sorry if that will not be possible. However, I understand that

people are unable to do that. We will therefore adjourn until our next committee meeting.

[119] **David Melding:** I am happy to start work if others are, but perhaps we need to adjourn for 10 minutes so that people can have access to the papers that they need.

[120] **The Presiding Officer:** I ask for a proposal to see how many Members wish to adjourn for 10 minutes and how many wish to adjourn until our next meeting tomorrow evening.

[121] **David Melding:** I propose that

the meeting be adjourned for 10 minutes.

[122] **The Presiding Officer:** I ask Members to vote on the proposal.

Cynnig: O blaid 4; Ymatal 1; Yn erbyn 5.

Motion: For 4; Abstain 1; Against 5.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Nick Bourne
Michael German
Ieuan Wyn Jones
David Melding

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Leighton Andrews
Jane Hutt
Ann Jones
Val Lloyd
Gwenda Thomas

Ymataliodd yr Aelod canlynol:
The following Member abstained:

Jocelyn Davies

Gwrthodwyd y cynnig.

Motion defeated.

[123] **Y Llywydd:** Gohiriwn y cyfarfod, **The Presiding Officer:** We will, therefore, adjourn the meeting until tomorrow at 5.30 p.m..

p.m..

Daeth y cyfarfod i ben am 6.20 p.m.

The meeting ended at 6.20 p.m.