

**National Assembly for Wales**  
**REPORT BY HEALTH AND SOCIAL SERVICES COMMITTEE**  
**Commissioner for Older People (Wales) Bill**

1. The Commissioner for Older People (Wales) Bill was published on 25 May 2005. On 21 June 2005 the Assembly in plenary remitted the Bill to the Committee for scrutiny.

2. The Bill establishes an office of Commissioner for Older People in Wales with powers and duties comparable to the Children's Commissioner in Wales. A draft Bill had been included in the Queen's Speech in November 2004 and published for pre-legislative scrutiny in March 2005. The Bill had formed part of the Assembly Government's primary legislative proposals to the UK Government for the 2004-05 parliamentary session.

3. The Bill had its First Reading in the House of Lords on 25 May 2005 and completed its passage through the House of Lords on 15 February 2006. It had its First Reading in the House of Commons on 16 February 2006 and is currently awaiting its Second Reading.

4. The Committee had already scrutinised the draft Bill on 25 May 2005 and submitted a report to the Assembly ([insert hyperlink](#)).

5. Members raised the following points on the Bill:

i. Clause 13 – needs strengthening to be supported by secondary legislation and / or guidance to safeguard the presumption that people will be interviewed in private, and that they will only be interviewed in the presence of someone else when they have asked to be accompanied or there is a clear clinical or similar need.

ii. Clause 16 - Regulations should require that any report produced jointly by the Commissioner and the Public Services Ombudsman for Wales should be sent to the First Minister.

iii. Members were concerned that there should be clarity in the respective roles of the Commissioner for Older People and the new Commission for Equality and Human Rights, and that they collaborate and work together where appropriate.

iv. The Committee was assured by the Deputy Minister that the Commissioner would be able to make representations to the UK Government via the Assembly on any matters affecting the interests of older people in Wales. In addition, similar arrangements are envisaged as apply to the Children's Commissioner, who is able to approach Wales Office Ministers directly about any non devolved matter affecting children in Wales.

6. Subject to the above the Committee was content with the Bill.

**Rhodri Glyn Thomas AM**  
**Chair**