

Y Gwir Anrh/Rt Hon Rhodri Morgan AC/AM
Prif Weinidog Cymru/First Minister for Wales



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Ein cyf/Our ref: MB/FM/447/08

Jeff Cuthbert AM
Chair, Committee for Standards of Conduct
National Assembly for Wales
Cardiff Bay
CF99 1NA

9th July 2008

Dear Jeff

I am writing in response to the public consultation letter issued on 6 June 2008 asking for comment on the proposal to establish a Commissioner for Standards on a statutory basis. I am confining my response to question 14 as the only question which has a direct impact on the Welsh Assembly Government.

Question 14

Should the Commissioner for Standards have the same role relating to Ministers as for other Assembly Members?

I refer you to my letter of 31 January 2008 to the Chair of the Standards Committee, which outlined the very different administrative arrangements between the UK Government and the Assembly Government. The Ministerial Code provides clear lines of accountability in the context of the Government of Wales Act 2006 and any Measure, which proposes to establish a Commissioner for Standards, would need to consider the implications of any conflicts that could arise between the general standards of conduct expected of Assembly Members and the standards expected of Ministers when executing their functions.

The Ministerial Code covers every aspect of Ministerial practice with particular emphasis on those areas where potential difficulties and conflicts may arise. The Code places a clear duty on the First Minister to ensure that Ministers comply with the Code. The fundamental principle is that investigations into the conduct of Ministers in the performance of their Ministerial duties must remain a matter for the First Minister.

I am copying this letter to the Clerk of the Committee.

Yours
Rhodri

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Jeff Cuthbert AM
Chair
Standards of Conduct Committee
National Assembly for Wales
Cardiff Bay
Cardiff

31 January 2008

Dear Jeff

I am responding to your letter of 12th December about potential complaints concerning Assembly Members in their role as Ministers.

The Ministerial Code sets out in detail the behaviour expected of Ministers in the performance of their Ministerial duties. It covers every aspect of ministerial practice with particular emphasis on those areas where potential difficulties and conflicts might arise. The Code makes it clear that Ministers remain in office so long as they retain my confidence. This places a clear and direct duty upon me to ensure that Ministers comply with the Code. This is entirely in accordance with the legislative framework set out in the Government of Wales Act 2006 which provides for my appointment by Her Majesty after nomination by the Assembly and in turn my appointment of Ministers with the approval of Her Majesty. All these arrangements provide very clear lines of accountability.

I note your comments about the recent inclusion in the UK Government's Ministerial Code of provision for complaints to be referred by the Prime Minister, and it is expressly by the Prime Minister, to an Independent Advisor on Ministers' interests. There are some 120 or so Ministers in the UK Administration and I remain to be convinced that the very different scale of operation here warrants the same change in our arrangements which, as I have indicated above, have the merit of providing clear and explicit lines of accountability and which are capable of being easily enough monitored through the office of the First Minister. When the new Westminster arrangements have been in place for sufficient time to be analysed as to whether they are an improvement on previous practice, we may want to look at this matter again.

*Yours
Rhodri*

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