



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

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

Dydd Llun, 7 Ionawr 2013
Monday, 7 January 2013

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir
trawsgrifiad 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

Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Mark Drakeford	Llafur (yn dirprwyo ar ran Julie James) Labour (substitute for Julie James)
David Melding	Y Dirprwy Lywydd a Chadeirydd y Pwyllgor The Deputy Presiding Officer and Committee Chair
Eluned Parrott	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

Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Ruth Hatton	Dirprwy Clerc Deputy Clerk
Owain Roberts	Y Gwasanaeth Ymchwil The Research Service
Dr Alys Thomas	Y Gwasanaeth Ymchwil The Research Service
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 2.30 p.m.
The meeting began at 2.30 p.m.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **David Melding:** Good afternoon, and welcome to this meeting of the Constitutional and Legislative Affairs Committee. I start by wishing everyone a very happy new year. Let us make sure that it is productive for us; no doubt it will be interesting. We have received an apology from Julie James and I am pleased to welcome Mark Drakeford as her substitute. I have the usual housekeeping announcements; we do not expect a routine fire alarm or test, so, should we hear the alarm, please follow the instructions of the ushers who will help us leave safely. Please switch off all electronic equipment—mobile phones and so on—completely, as, even on silent, they will interfere with our broadcasting equipment in particular. This committee meeting will be held through the medium of Welsh and of English. If you need translation, it is available on channel 1, and channel 0 will amplify our proceedings.

2.31 p.m.

Offerynnau nad ydynt yn Cynnwys unrhyw Faterion i'w Codi o dan Reol
Sefydlog Rhifau 21.2 neu 21.3
Instruments that Raise no Reporting Issues under Standing Order Nos. 21.2 or 21.3

[2] **David Melding:** These are listed. Does any Member have a query? I see that no-one does. Are we content, then? I see that we are.

2.32 p.m.

Y Dull o Graffu ar Ffiliau'r Cynulliad Approach to Scrutiny of Assembly Bills

[3] **David Melding:** A short paper has been prepared on this, and we need to consider that paper and whether we want to invite either the Assembly Members in charge of the Bill or the Ministers to give evidence on matters that are of concern to us. I think that you have also received correspondence, or copies of correspondence, between the Presiding Officer and me regarding Mick Antoniw's Bill. Does any Member want to discuss any of the Bills in particular? I am assuming that we would want, in each case, to have a session with the Member in charge, but I am happy to hear other views or just to have that confirmed.

[4] **Suzy Davies:** I agree. I wanted to raise something that is in the correspondence back to you, Chair, from the Presiding Officer, which states that this is the first time that 'we', meaning her department, has taken the approach of revealing difficult issues of competence considered by 'me', meaning her, the Presiding Officer. Do we know whether she intends that to set a precedent? It is in relation to Mick Antoniw's Bill in particular, but I am thinking more generally.

[5] **David Melding:** I think that it confirms the seriousness with which these matters are examined and, given the nature of the devolution settlement in Wales—it is not as clear-cut as the model that applies in Scotland—the possibility of ambiguity in competence would appear to be greater in our case. While I have not discussed it directly with the Presiding Officer, it seems to me that she indicates to have as transparent an approach as possible, so that people have—this will also go to Mark's committee in his capacity as Chair of the Health and Social Care Committee—clear notice of the advice and the qualifications in this case, allowing us then to pursue the matter. I think that that is a good way to proceed.

[6] **Suzy Davies:** It would be helpful.

[7] **David Melding:** Yes. I cannot think that the Presiding Officer will act differently in future to the way in which she has acted in this case.

[8] **Suzy Davies:** It is up to her, is it not, because it is waiving her privilege, really? So, that is a good sign if she is planning to do that more often.

[9] **Eluned Parrott:** I also wish to welcome the notes that we have received, which are extremely helpful. However, it is noticeable that the first occasion that this has happened is for a Member's Bill. I would like clarification that this is a precedent for all Bills, rather than just Bills that have been presented by someone other than the Government.

[10] **David Melding:** Those views are on the record. I would be surprised if a different approach were likely to be taken. It is possible that something else may be envisaged, but I am not aware of that. I am sure that the Presiding Officer will read the transcript, and I will also speak to her. We will establish what the procedures are likely to be in view of the fact that this has happened in this case for the first time but may happen again in the future. The Presiding Officer may want to make a further statement to clarify the position. However, at the moment, I do not see any intention to discriminate between the two. If there is an issue of competence, there is an issue of competence; sometimes, that is a matter of ambiguity rather than being clear-cut one way or the other.

[11] I think that we have a proposed timetable for the evidence session. Peter Black and Huw Lewis will give evidence next week, and there will then be a timetable for the other

Bills. So, next week, we will be discussing the Regulated Mobile Home Sites (Wales) Bill.

2.37 p.m.

Papur i'w Nodi
Paper to Note

[12] **David Melding:** We have a paper to note on the Bluetongue (Wales) (Amendment) Regulations 2012. You will recall the issue of the Minister for Environment and Sustainable Development acknowledging that the zone must be at least 50 km or whatever it is—I cannot remember. He has recognised that, but wants flexibility as to whether it should be more. We raised the issue of whether it would be better to determine the matter in advance so that anyone who may potentially be affected would then know. However, he believes that flexibility is more likely to serve the public interest. I think that that resolves the matter, but, if Members have a view on that, please say so; otherwise, we can let it rest and note his response. I see that Members are agreed.

2.38 p.m.

**Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod**
**Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from
the Meeting**

[13] **David Melding:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(vi) and (ix).

[14] I see that the committee is in agreement.

Derbyniwyd y cynnig.
Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 2.38 p.m.
The public part of the meeting ended at 2.38 p.m.